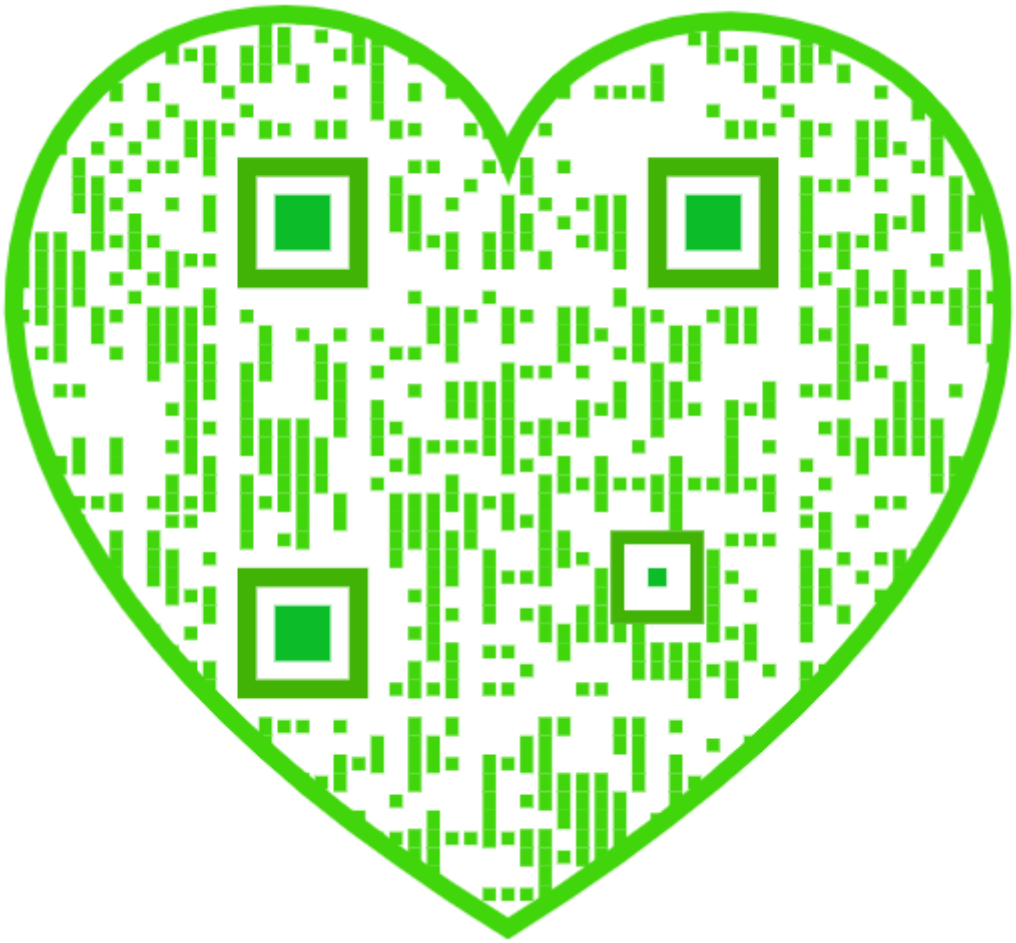

THE
GREGG REPORTER

BY

JOHN ROBERT GREGG

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PREFACE

FOR some time there has been a well-defined demand for more literature relating to court reporting and especially having reference to the Gregg system. As time has gone on this demand has become more and more insistent, until I have been obliged to lay aside matters of considerable importance in order to prepare this book.

There is a dearth of helpful literature in permanent form dealing with the technical features of court reporting. In the shorthand magazines and in the proceedings of the Reporters' Associations there have appeared from time to time brief articles explaining the duties of the court reporter, but in book form there is absolutely nothing of value dealing with the technical or shorthand part of the work. Commenting on this in the Typewriter and Phonographic World, an experienced court reporter says:

> I have been a student of shorthand since I was a small boy, have looked into quite a number of text-books in quite a number of different systems, read many shorthand periodicals, made "pot hooks" for a living for the past six or eight years, and for the past year have been holding down with more or less success a position as official court stenographer. During all of this time I have been impressed with the scarcity of shorthand literature directed to the training of court stenographers. I know of but one book upon the shorthand part of the subject, and that, while exceedingly helpful, makes no pretense of being exhaustive. There are excellent works on phrasing, but their scope is general. The dictionaries contain exhaustive lists of phrases, but it is a heart-breaking task to dig from the text-books and dictionaries the particular phrases suited to court use. Of course, a thorough knowledge of the principles of phrasing will enable a careful student to work out his own salvation in time; but it seems to me that an interchange of actual experiences and expedients which experienced court reporters have found useful through the col-

umns of the World would be of inestimable value to the beginner in that branch of the art, and even the old veteran might be able to get ideas that would lessen the burdens of his old age.

This book is divided into two parts:

Part One is intended to be a succinct explanation of the duties of the court reporter, supplemented by suggestions condensed from numerous articles that have appeared on the subject in shorthand magazines. This portion of the work is not exhaustive, and is not intended to take the place of that admirable book, "Practical Court Reporting," by H. W. Thorne, which we commend to every one who desires to become a reporter. It does, however, present the essential features of court reporting in a concise, helpful way, and we believe that the suggestions given will be of value to stenographers desirous of familiarizing themselves with the duties of the court reporter. But, as has been well said by Mr. W. H. Luzenberg, "The only place to learn how to swim is in the water, and the best place to learn court reporting is by practicing in court after the shorthand foundation is laid."

Part Two is the most important portion of this book, containing as it does the most comprehensive and practical list of shorthand forms for law terms and court reporting phrases that has so far appeared in any system of shorthand.

Those features of Gregg Shorthand which have gained for the system its widespread diffusion and popularity render it peculiarly adapted for difficult and technical reporting. The absence of distinctions of meaning between characters written light and the same characters written heavy, between characters written on the line and the same characters written above, through, or below the line, between a hook written small and the same hook written large, between characters of four or more different

lengths, between vertical and slanting characters—the absence of these and many other fine distinctions, so difficult to observe under the pressure of rapid note-taking, is nowhere of more importance than in court reporting where liberty, property, and even life itself, often depend upon the accuracy of the report.

The marvelous powers of condensation and the easy natural phrasing power of the system—so well recognized and so easily demonstrable in the everyday work of commercial correspondence—are even greater when applied to law terms and especially to testimony.

Since I began the preparation of this book I have noted with much pleasure a great increase in the number of writers of Gregg Shorthand who have secured appointments as official reporters. In addition to those holding official positions, several young writers of the system have recently established themselves in the independent reporting business, in Chicago and elsewhere, with most gratifying success.

I sincerely hope this book will be of assistance to those who are already reporters, as well as to the many writers of the system who are ambitious to become reporters. It would give me pleasure to assist writers of the system by advice and suggestions, and I hope to hear from many of the readers of this book.

In sending forth this book, I wish to express my appreciation of the assistance given me by court reporters and expert writers in preparing it—especially in compiling the list of phrase forms—and to Miss Lilian M. Belfield for the remarkable fidelity and artistic skill with which she has written the illustrative shorthand cuts and plates.

JOHN ROBERT GREGG.

New York, June, 1909.

PART ONE

COURT REPORTING

By W. E. McDermut

(Reprinted from The Gregg Writer)

QUALIFICATIONS

CERTAIN mental and physical qualifications are necessary in order to fit one to be a successful court and general reporter. The physical strain is so great that only persons with good health and strong constitutions should undertake the work; in fact, only such persons stay at it very long. The higher class of work may be compared to that of a musician always playing difficult music at sight; and any one can imagine how exhausting such effort must be when continued for three to five hours at a sitting.

Without a good education and a general knowledge of the world, the work will never be satisfactory, either to the reporter or to the public. No knowledge or experience will come amiss in the work of the reporter.

In order of importance I should place, first, a thorough mastery of the language, with an extensive acquaintance with the oddities of expression peculiar to various classes of people; second, a wide acquaintance with literature and history; third, a smattering of many sciences and arts, especially familiarity with their terminology; fourth, a good working knowledge of at least a few of the leading sciences, especially medicine and mechanics; fifth, a wide reading in the fundamentals of the law.

Knowledge of a mechanical trade will be very valuable in reporting testimony of mechanical experts; a knowledge of bookkeeping will make the work of reporting accountants easier; a familiarity with machinery and physics will enable one to understand scientific experts.

It is a singular fact that few court reporters receive their training in the shorthand schools; not that the schools cannot give them a good start, but circumstances have been such that the writers have generally drifted into the business in various ways independently of the schools.

Whether the writer has gone through a school or studied by himself he should, if possible, serve an apprenticeship with some first-class court reporter, improving every opportunity to increase his knowledge and technical capacity. While it is well to begin young, there are few who can be regarded as fully competent court and general reporters under the age of thirty years.

In addition to these requirements, integrity, fidelity, sobriety and industry are essential factors in a successful career as a shorthand reporter. Those who cannot come up to the standard above outlined should keep out of the business.

SPEED REQUIREMENTS

Having the personal qualifications, the student should remember that as shorthand is the tool with which he is all the time working, he should strive to obtain a more and more complete mastery of the art. It is estimated by many old reporters that within their experience the average requirement in reporting capacity has increased between twenty-five and fifty words a minute.

The rush incident to modern business methods will not tend to reduce the rate of speaking in the future. As the

requirements will be more severe, it is certain that the reporters of the future must be superior to those of the present. The rate of speed, of course, varies according to the character of the matter. Simple, idiomatic language is spoken more rapidly than technical exposition or dignified discourse. Moreover, after a spurt of broken English or indistinct utterance time will be lost in untangling the sense, and the writer must have a possible speed that will enable him to catch up. This requires the most perfect mastery of the writer's system.

The better the condition of your tools, the easier and more certain will be your work. If possible your methods and system of writing should be so perfect that another writer may, in case of emergency, be able to dictate from your notes. **Therefore, whatever system of shorthand you write, write it scientifically.**

PEN OR PENCIL

There is a diversity of custom as to the use of pen and pencil. If you have an official position, with a table where you regularly work, there are many reasons for using a pen; not merely a fountain, but a steel pen. The act of dipping for ink, if done habitually at every pause or opportunity, will usually keep the pen loaded, while the execution (with a proper combination of pen, ink and paper) is so superior and the manipulation so much easier that the advantages derived are very important. If this combination cannot be secured, a good fountain pen or a good pencil just suited to the writer's hand and to the paper may be used, according to the deliberate preference of the writer. Where the writing must be done under unfavorable conditions a pencil will generally be found more serviceable.

The table or desk and the chair should be heavy and

firm, and the surface of the table should be flat. A small, solid chair is better than a large one or one that swings.

THE REPORTER'S PLACE

By all means insist on a location where you can see and hear at least as well as any person in the room. Never allow your back to be toward the speaker for any considerable time. The reporter is to "be seen and not heard," and he should never "take a back seat" for anybody. In the courts in the large cities there are so many disadvantages in the way of noise, confusion, haste, carelessness and broken English, that even the most perfect location will still leave the writer laboring under many difficulties.

PROPER NAMES

Learn to write proper names in shorthand. A legible shorthand outline is much better than a name written illegibly in longhand. "Browne," in shorthand, with a longhand "e" to show the peculiarity of spelling, is better than the name written out in full.

If necessary, break long and composite names into sections; this will preserve the identity of the parts of the words and prevent the hand from getting beyond control.

Never lose a firm grasp on the sense of what you are reporting and its bearing on the whole case. Many a jumble of sounds may be interpreted in words or phrases sounding the same but having directly the contrary meaning, and only a clear comprehension of the subject will prevent the reporter from sometimes making nonsense, especially after a rapid spurt.

Keep up with the speaker as closely as possible without interrupting a thorough understanding, so as to secure the best outlines and phrases; yet it is highly important

to cultivate the power of carrying long passages in the memory, as this will enable the writer to make up for the cases of lost time that now and then occur.

IN THE COURTROOM

A law court is somewhat like a debating society; one side maintains the affirmative of a proposition, the other side the negative. There is this difference, however, that an evenly balanced presentation of the two sides in a debate would leave the question undecided, while in a lawsuit the negative side wins unless the affirmative produces the greater weight of evidence.

In a lawsuit one side (the State, or a corporation, or a person, under the name of the People, plaintiff, complainant, petitioner, etc.) brings an accusation charging a person or corporation with a crime, injury or threatened injury, as the case may be.

THE PLEADING

The various papers by means of which the case is finally prepared for trial are called pleadings, and consist of indictment, complaint (or declaration), answer, reply or replication, rejoinder and surrejoinder, and some others, together with possible demurrers by either side at any stage of the preparation of the case.

The essential points on which a case turns are called the issues. After the issues are settled the case goes to trial, and generally before a jury.

THE JURY

The persons called on the jury are examined by both sides to determine their fitness to serve. Either side may arbitrarily ("peremptorily") reject a certain number, and if just cause exist in the case of others, any number may be "challenged" and excluded.

It is the province of the judge ("the court," as he is usually called) to determine in this, as in all other cases, whether the objection is well founded, and either side not satisfied with the action of the court in this or any other ruling may take what is called an "exception," to be passed upon later by a higher court in case of appeal.

After the jury is selected the members are sworn to try the case. Usually the attorneys on both sides then make opening statements briefly outlining the evidence they expect to offer.*

Up to this point the reporter may or may not make a full report of all that transpires, depending on custom or special request.

THE EVIDENCE

Next the evidence for the plaintiff is introduced, and, of course, must be fully reported. Evidence may consist of oral testimony, or of books, papers, depositions or other documents. Frequently evidence offered or questions asked may be objected to; the court rules on the objection, admitting or refusing the evidence, in either of which events it is usual for the dissatisfied party to take an exception.

At the close of the plaintiff's or the State's evidence, as the case may be, the plaintiff's attorney or the prosecutor announces, "The plaintiff rests," "This is our case," "The State rests," or something equivalent. The defend-

*In this opening the reporter should carefully note every date and every material point that is made, not to go into his report, but for himself. In this way he acquaints himself with what the plaintiff's or State's case will be. In civil cases the defendant generally makes his statement next, showing what he expects to prove. In criminal cases the defendant generally waits until the plaintiff's case is ended before he states his case. In like manner note the points of the defendant.—*W. E. H. Searcy.*

ant follows with his defense and, after he has rested, the plaintiff puts in additional evidence called "rebuttal," sometimes followed by additional evidence for the defendant, called "surrebuttal."

In case documents are offered in evidence they should be briefly described in the notes and marked with some letters or numbers, the date and the reporter's initials, for future identification, and their introduction or offer noted.

Sometimes the reporter is required to take down the papers as they are read. Unless the reading is done very carefully, the reporter should compare his transcript with the original documents, as the reporting of matter that is read to a jury is very difficult, few people being able to read a paper in a manner perfectly satisfactory from a reporter's standpoint.

CLOSING ARGUMENTS

The arguments of counsel follow the evidence, the prosecutor opening, the defense answering, and the prosecution closing with a short resume. The judge then instructs the jury as to the law—the jurors themselves being the sole judges of the facts.

It is extremely important that the charge of the court, even though it be written, should be reported with the minutest accuracy.

With the retirement of the jury the reporter's duty in that case ends. Often, however, he is called upon to do collateral work, such as reporting motions for new trials, and taking depositions, the latter being, in many ways, similar to court work, though on a minor scale. Attorneys are more than formerly in the habit of dictating pleadings and legal papers to stenographers, although generally this work is dictated to office stenographers.

MOTION FOR A NEW TRIAL

After a trial the defeated party usually makes a motion for a new trial, which may either be granted, and the trial gone through with again, or may be overruled, in which case an appeal is often taken to a higher court, for which purpose the record must be written up. Sometimes in large or important cases the record is written up from day to day without waiting for an appeal. In such cases several reporters are required, according to the rapidity with which the work must be turned out. But otherwise the official reporter alone usually takes the case all the way through. There is an advantage in the latter method, as it gives the reporter a more thorough knowledge of the case and makes his work easier and more certain, since better work can always be done when the reporter understands the case.

DAILY COPY

In case of what is called "daily copy," the reporter must dictate his notes to a typewriter operator, and in case of a great rush the notes are dictated to two operators at one time. This requires the highest degree of legibility in the notes. It is important to a reporter outside of a large city that he be a good typewriter operator. A first-class machine, kept in perfect condition, and a thorough mastery of the machine, are worth all they may cost, and are second in importance only to first-class shorthand ability.

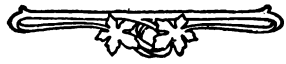
THE SHORTHAND NOTES

A thorough mastery of the shorthand system enables the writer to make use of the best legitimate devices for securing additional speed and legibility. Shorthand is a method of abbreviating along lines familiar to the long-

hand writer. The books contain the most useful abbreviations for ordinary work. By utilizing these principles of abbreviation the careful and intelligent writer may adapt special abbreviations to particular kinds of work.

Often a case in which a number of long or awkward outlines are presented may be made easy to report by adopting temporary abbreviations which for the time being may be more legible than the outlines written in full. This applies particularly to proper names and peculiar terms. The writer also need not be afraid to make use of bold phrasing devices, provided they actually contribute to speed and legibility and are felt to be necessary.

The secret of legibility is securing outlines which under rapid motion will not degenerate into forms resembling others that might be used in the same connection. Generally two outlines representing words belonging to different parts of speech will not conflict. The aim at all times should be to obtain characteristic and facile forms.



PITHY POINTERS

Preparation for a Case

Learn in advance as much as you can about the case you are to report. Get the title of the case, name of the judge, and the names of the attorneys representing the various parties to the suit. If you find that the trial relates to some technical subject or business, it is well to prepare for it by "reading up" on the subject and practicing the forms for the difficult or technical words.

Proper Names

Be sure to get the correct spelling of all names. If necessary, write the name in longhand the first time it occurs, but thereafter it should be written in shorthand. It is well to practice writing names in shorthand. In writing the names of witnesses, be sure to note whether they are called on behalf of plaintiff or defendant, by writing in shorthand after the name "for plaintiff" or "for defendant." Do not write "Mr." in taking notes, but, of course, supply it when transcribing. When a witness has been sworn put down his name on a memorandum sheet, together with the number of the sheet, or page, of your note-book on which his testimony begins. Then, when occasion arises during the proceedings to look up the evidence, you will not have to go through one or two note-books for the testimony of that particular witness.

Repetition

Very often a witness in answering will repeat the question, and when this is done indicate the repetition by

writing the ordinary ditto marks, which do not represent anything in shorthand.

Explanatory Words

In reporting testimony, where explanatory words are added by the reporter, the words so added should always be placed in parenthesis. Examples: Q. Did you ever see this (handing paper to the witness)? Q. How long was it? A. It was about as long as that (pointing to the courtroom table).

Size of Notes

An accomplished reporter, writing on this subject, says: "Acquire the habit of writing neatly and compactly. This conduces to speed. Large sprawling outlines have the opposite tendency."

The argument that small characters produce a cramped action of the hand, and hence result in loss of speed, while a large, free, swinging style carries the writer forward with "leaps and bounds," thereby enhancing speed, was effectually controverted a quarter of a century ago.

The faster the speed, the larger the characters written, will be admitted by experienced reporters. They will also allege that the cultivation of a small style will counterbalance the impulse to "spread out" under pressure.

Materials

Always use good materials—note-book of the best quality with marginal ruling, a *good* fountain pen, and the very best pencils. Mr. A. C. Van Sant says: "Every court reporter should have two good fountain pens and see to it that they are kept well filled and properly cleaned and cared for, that they may be depended upon. As a further precaution he should have several sharpened pen-

cils of good quality, so that should the pens fail, he may have the pencils to fall back upon."

Q's and A's

The vertical line down the left-hand margin of the notebook distinguishes the question from the answer. The question should begin to the left of the vertical line; the answer should always be written to the right. It is permissible to begin the answer on the same line on which the question ends if a well defined space can be left between the question and answer.

If a witness asks a question of counsel (for instance, when he does not understand a question and asks for explanation), the question should be treated as though it were an answer; and in the same way a remark by the counsel, even if not a question, should be treated as though it were, and placed before the vertical line. In other words, all that the counsel says should begin to the left of the marginal line, and all that the witness says should begin to the right.

Marking Exhibits

All exhibits introduced during the trial should be marked by the reporter in some distinctive way. Various methods of marking are used. Some reporters mark the exhibits introduced by the plaintiff alphabetically and those introduced by the defendant with numerals: thus, those introduced by plaintiff would be marked "Ex. A," "Ex. B," etc., and those introduced by the defendant "Ex. 1," "Ex. 2," etc.

What to Read

On this subject Mr. W. H. Luzenberg says: "After a speed of reasonable rapidity is acquired (the speed most States require is one hundred and fifty words per minute),

the coming court reporter will find that it will be of material benefit to him to read several volumes of the History of England, and to study carefully Greenleaf on Evidence. If the stenographer is very anxious to report cases for a livelihood he will sometimes be called on to report cases in the United States Courts, and if he will read Kent's Commentaries on International Law, he will find his work much easier."

Mr. H. W. Thorne gives the following advice in his admirable book, "Practical Court Reporting": "Read Parsons on Contracts, Addison on Torts, Bishop's Criminal Law, Baylies' Trial Practice, The Codes of Procedure, not omitting some good works on evidence. The commentaries of that great jurist, Blackstone, may be added to this list. But unless the law student intends to fit himself for the practice of law, he will save much time by omitting the latter."

Another expert reporter, Mr. W. B. Bottome, gives this advice: "If the reporter is not a lawyer he should give as much time to the study of law as possible, and read Blackstone, Kent, and other standard books. This will not only make him understand the legal questions arising in the trial of cases, but will make him familiar with legal terms and expressions. It would be well to practice pages from law books, the reports of trials, and legal papers, such as complaints, answers, deeds, bonds, mortgages and contracts. If it is known beforehand that the subject-matter of a trial is to be exceptionally difficult or technical, it is a good plan to obtain and read literature upon that subject and practice writing the more difficult or unusual words."

Mr. P. J. Sweeney, in making some suggestions to law stenographers, said:

"Ewell's 'Medical Jurisprudence,' or any good work

on that subject, will be of great aid to a stenographer preparing for the reporting of inquests, autopsies, etc. On the study of evidence, the first volume of Greenleaf On Evidence is heartily recommended. Stephen's 'Digest of Evidence' is another good work. Andrew's 'American Law,' or Walker's 'Principles of American Law,' will give a good general idea of the laws of this country."

Making Captions

From a paper read before a shorthand teachers' institute by the well-known teacher and reporter, Mr. A. C. Van Sant, we quote the following explanation in regard to typewriting headings and indexing:

"The first testimony given by a witness is the direct testimony. In writing it out on the typewriter, the words 'Direct Examination' should be written in capitals, in the center of the page, and the name of the examining attorney and witness should appear as shown on the printed charts.

"After the completion of the direct testimony, and the witness is excused by the attorney for the plaintiff, the defense has a right to make a cross-examination. When that is reached, the words 'Cross-Examination' should be placed in the center of the sheet, and the name of the cross-examining attorney should appear.

"After the completion of the cross-examination the attorney for the plaintiff has a right to a re-direct examination of the witness on new points that may have been brought out at the cross-examination. It sometimes happens that there will be other re-direct and other re-cross examinations. In such case it is well to number the first 'Re-direct Examination No. 1,' 'Re-Cross Examination No. 1,' and give a different number to each re-cross and

re-direct examination. All objections, rulings and exceptions must be carefully noted.

"When the record is completed an index should be made giving the title of the case, the names of the attorneys on each side, and which shows the number of the page of the testimony of each witness in direct, re-direct, cross and re-cross examinations. This index enables lawyers, judge, or whoever may be interested, to turn to the testimony of any particular witness."

Where to Practice

On this subject we cannot do better than quote the advice given by Mr. W. H. Luzenberg, of New Orleans:

"The only place to learn how to swim is in the water, and therefore the best place to learn court reporting is by practicing in court after the shorthand foundation is laid, and if the would-be court reporter will procure a letter of introduction to the Judge, and ask his permission to sit at the Court Reporter's table, he will generally receive permission; but if for good reason his request is refused he can readily obtain permission to take a seat in the spectators' seats and take notes.

"Let him secure an introduction to the official stenographer and try to do all that he can to help him. In time he will reap the benefit of his efforts and be ready to act as assistant some morning when the court reporter is too crowded with work to feel like doing without his aid."

Some Good Suggestions

The following letter from Marion Harland's column in the Chicago Daily News contains some good advice:

"In reply to the inquiry from the law stenographer as to the best method of obtaining a knowledge of law, allow

me to submit the following, as the result of four years' teaching and daily work in a law office:

"I should advise the ambitious law stenographer to make shorthand copies of legal papers; especially deeds, mortgages, affidavits, leases, contracts, bills of sale, releases and assignments. She will find a case of such files in the office. She should also familiarize herself with land descriptions and testimony. From any good work on pleading and practice, which she will find on the bookshelves, let her make copies of chancery proceedings, bills and decrees. Puterbaugh's 'Pleading and Practice' is good. Write out notes on typewriter and compare with forms. This method will give both the legal terms and legal forms. Much depends upon form of papers and neatness. If need be, sacrifice speed to neatness; speed will come with familiarity."

Interrupting a Witness

The reporter should not hesitate to stop a witness and ask him to repeat an answer if he speaks indistinctly. Mr. Isaac S. Dement emphasizes the importance of this as follows:

"When you have become a reporter, ask the witness to repeat anything you have failed to understand in his remarks. This is a right you should never waive; for it is your duty to make an accurate report and if you make no objection when the witness speaks indistinctly, your employer will have the right to assume you are making such a report. But your report will not be accurate when you have omitted anything or have put your own construction upon something you very indistinctly heard."

And Mr. H. W. Thorne, writing on the same subject, mentions some of the "tricks of the trade," which may be used with troublesome witnesses. Mr. Thorne says:

"Incidentally it may be stated, that the rapid witness who clothes his ideas in grammatical language distinctly uttered, is more easily reported than he who speaks moderately fast, but interjects such words as 'he says, says he,' speaks a part of a sentence, changes it, 'goes ahead and backs up,' and jumbles words, sentences and parts of sentences in intricate confusion. Let the utterance of the last witness be indistinct or let him talk rapidly, and he will cause a stenographer a great deal of trouble. Heroic measures must then be resorted to. Insist upon a witness repeating answers that are jumbled and indistinct, letting him understand, if possible, the reason for the repetition. He will then make an effort to do better.

"While alluding to the rapid witness, some suggestions may be given to a young stenographer which will aid him, as well as his more experienced brother, in innocently stopping such a witness in a rambling statement of a conversation or of facts and occurrences. If he be hard pressed by the volubility of the witness, let the stenographer ask him to repeat names of persons and places, of dates, amounts, gestures, and anything, in fact, that, to the observer, would appear to be a natural repetition. This suggestion has never been patented. Resort to this 'trick of the trade' can be justified by precedent. Frequently, in conversation, in slow dictation of matter taken in longhand, in the comparison of papers, and in many other instances that will readily occur to the reader, the person speaking or reading is asked to repeat figures, dates, amounts and names of places and persons. It is usually done to verify the listener's understanding of the language used, and why should not the stenographer have the same opportunity? Some may say that, upon the same principle, the entire testimony of the witness should be repeated. Not so. The context may be relied upon to

verify many matters, but, as before remarked, it is unreliable as respects names, dates, amounts and gestures."

Securing Appointment

In answer to a question about securing an appointment, the well-known reporter, Mr. H. W. Thorne, wrote:

"I shall assume your age to be between twenty and twenty-five years, and that you are fitted by education and intellect to begin preparation for, and to become, a court reporter.

"Familiarity with law language and legal procedure, and with the technicalities with which both bristle, must exist in order to properly report trials of lawsuits. Hence, I advise that you immediately obtain a position as stenographic amanuensis in a law office. Failing to do so, accept employment as amanuensis, or assistant, to a law reporter. I am in favor of commencing in the law office.

"Assuming that you secure the latter sort of position, you should have some leisure time to devote to reading. Begin a systematic course of law reading, say some good work on Contracts, and also a work on procedure or practice in your state. Take dictation from such works, and from books of legal forms, which are to be found in every law library. Your employer will gladly permit you to make use of such books, and, doubtless, will assist you with advice and in other ways.

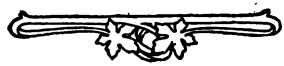
"You must first lay the foundation by acquiring a knowledge of the law itself, superficial though it may be. Otherwise, you would be constantly hampered in recording, and afterwards in reading, your notes of legal proceedings. * * *

"Assuming that you are competent in every way to fill the court reporter's chair, I advise getting in touch with the candidate of your party for district judge, and his

political friends and following; let them know that you desire appointment, and do all you can honorably and legitimately to further the nomination and election of your candidate.

"You may meet this obstacle: A lawyer of sufficient practice and prominence to become a candidate for the office mentioned, has, in his office, or has had act for him, a stenographer in whose qualifications he has confidence. If an applicant, it is probable that the stenographer would be appointed by the candidate, if successful.

"That is what I meant by getting 'in touch' with the candidate. If, for instance, you could get into the office of the candidate who is to be the future judge, you would advance your cause considerably."



THE JUDGE'S CHARGE

By W. E. H. Searcy

(Reprinted from The Stenographer)

THE most difficult work of a court reporter is found in reporting the charge of the judge in important cases. Having had an experience of seventeen or eighteen years as official court reporter, in a Circuit Court, we offer a few suggestions to those just entering upon this work.

(1) Listen attentively to the legal argument which is directed to the court, make a short note of the points raised, and the books and cases cited. Try to understand the legal contention of each side as it is presented. These legal arguments are generally made at the beginning of the case, when there is a demurrer in the case or a special plea of some kind, or motion made to dismiss, or amendments are offered. They are often made when the testimony is concluded and the case is about to be presented to the jury. Counsel who are to have the conclusion before the jury are generally required to give the opposite side the points upon which they will rely, and the authorities they will present to sustain their contentions. Sometimes the legal status of a case comes out on a motion to non-suit the plaintiff. No matter when or in what manner the law of the case is presented, let the reporter make careful notes of the legal contentions on both sides. Then, when the court charges the jury, the reporter will understand something of what the judge says.

(2) The court reporter should not report the evidence of the case blindly. He must make each case "his case" and keep the evidence in his mind, and see what the parties are driving at. He must listen attentively to the objections that are made, and see what the object of the case is, and where it is all tending. This will enable the reporter to understand the court's charge, so far as it bears on the issues of the case arising under the evidence.

(3) A court reporter should read law at his odd moments. A good practice is to turn to the code of your state and copy the index many times. That will give a practice upon legal terms that will be constantly met in court. After the words in the index can be rapidly written and read, refer to the body of the book to ascertain the meaning of such as are not familiar. This will help greatly in reporting the judge's charge.

(4) In conclusion, let us say: The court reporter must think as well as write, and remember as well as record. It ought to be the boast of a court reporter that he can tell everything that has been testified to, and all the points of the judge's charge, without looking at his notes. Try this, and success will begin to dawn where doubt and fear have dwelt.

OFFICIAL REPORTERS' QUALIFICATIONS

By H. W. Thorne

(Reprinted from The Stenographer)

PERSONS fitting for official court reporting will be interested in the general character and scope of examinations to which applicants in some jurisdictions are subjected. In some States appointments are made without special test of fitness, the general standing of the practitioner as an unofficial law reporter and his demonstrated ability being accepted in lieu thereof.

The examination papers used in February last by the Board of Examiners, consisting of Official Reporters Charles Currier Beale, Isaac J. Doane and Alice E. Brett, in testing applicants for the position of official shorthand reporter of the Massachusetts Superior Court, fairly present what, in the opinion of experts, should be the qualifications of a competent law reporter.

The shorthand feature of the examination consisted of five tests (four of five minutes each), as follows: At 125 words per minute on technical matter, 150 words per minute on ordinary testimony, 150 words per minute on selection from Judge's charge, 175 words per minute on ordinary testimony (this matter all being required to be read back), and a final test of a half-hour on impromptu testimony, etc. All matter was required to be transcribed.

The balance of the examination was in the form of questions to which answers were required to be written, and was composed of seven papers, of which a synopsis follows:

First paper. Limit of time for preparation, 10 minutes; comprising questions as to applicant's age, general education, highest school attended and course of study there pursued; particulars of stenographic education; period of time and capacity in which applicant had been employed in stenographic work, and experience, if any, in verbatim reporting; what language other than English studied, and whether able to read or speak same; condition of general health, eye-sight and hearing.

Second paper. This covered spelling and punctuation, and its preparation was limited to 30 minutes; contained 50 words, some of which were misspelled, which were required to be correctly rewritten and nothing to be done with those which the applicant thought to be correct. Two uncapitalized and unpunctuated paragraphs, comprising two questions and answers, which were required to be properly capitalized and punctuated, concluded this paper.

Third paper. Time limit for preparation, 30 minutes; required the giving of a concise legal or technical term or phrase to properly describe each of 25 descriptive expressions, one of which will serve for illustration: "An intentional misstatement under oath." Obviously the proper answer would be "perjury."

Fourth paper. Time limit, 10 minutes; required a statement in general terms of the part of the body affected by the following diseases: pulmonary tuberculosis, ankylosis, lumbago, caries, bronchitis, angina pectoris, neuritis, cataract, anemia, and appendicitis.

Fifth paper, entitled, "Miscellaneous." Time limit, 40 minutes; consisted of ten questions covering gen-

eral literature. The first of these questions illustrates the character of this paper: "Name one American writer in each of the following classes, together with a well-known work of each: (a) historians; (b) poets; (c) novelists."

Sixth paper, consisting first of seven questions on the subject, "Duties of a Court Reporter," was required to be completed in 30 minutes, and was as follows: "(1) State what a reporter should do when a witness speaks too rapidly for him to report verbatim; (2) State what a reporter should do when directed by the Court to 'strike out' a portion of the testimony; (3) State the duty of a reporter with reference to marking exhibits, and how to avoid mistakes in properly numbering the same; (4) State what portions of the proceedings in a trial are required by statute to be taken by the reporter; (5) State how the reporter's notes may be indexed for immediate reference during a trial; (6) State what the reporter should enter in his notes when a witness indicates an object or a distance by gesture, without describing the same in words, and (7) State what the reporter should do with reference to taking notes when a witness is called to the jury rail to describe a plan or model, and does not speak loud enough to be heard by the stenographer." This paper concluded with a statement of a suppositious case giving names of the parties thereto, name of Court, County, State, presiding justice, docket number of case, names of the respective attorneys, etc., etc., and the applicant was requested to "write out in proper form the heading of the case down to and including the calling of the witness to stand, and the usual first question and answer."

Seventh and last paper, entitled, "Legal Proceedings," time limit 20 minutes, was as follows: "(1) What is 'taking an exception,' and what is the purpose of it?

(2) State the terms by which the parties to the following classes of legal proceedings are described: (a) actions of law; (b) criminal causes; (c) writs of entry; (d) divorce proceedings; (e) proceedings for assessment of damages for taking of land for public uses. (3) Name the different stages in the examination of a witness, and by whom conducted. (4) State the order of proceedings in the trial of a civil case. (5) What is meant by a hypothetical question?"

Analysis of the foregoing leads to the irresistible conclusion that expert law reporters firmly believe that shorthand speed is but one of the many essentials which the efficient law stenographer must possess. It is evident that he must not be too old; that he should have vigorous bodily health, normal sight and hearing, and have at least the following accomplishments: A good English education, of which correct spelling and punctuation are indispensable requisites; a wide reading in general literature; a comprehensive knowledge of the language of substantive and procedure law; some knowledge of medicine and medical terms; a thorough detailed knowledge of the duties of the court reporter in taking testimony and judicial proceedings, and an acquaintance with the formalities and steps in legal proceedings as well as the phraseology used therein.

DICTATION MACHINES AND COURT REPORTING

By James E. Munson

(Reprinted from The Typewriter and Phonographic World)

THE introduction and general adoption of the graphophone and phonograph by court stenographers for use in transcribing their notes has worked a revolution in more ways than one. While it has greatly increased the amount of transcription that one stenographer can accomplish in a given time, and so has materially enlarged his income, on the other hand it has closed the doors of the old school for reporters in which most, if not all, of the present-day court stenographers acquired their ability to do practical work; namely, the practice of doing shorthand amanuensis work for court reporters.

When at the age of 21 I came to the city of New York to live, although I was then a fairly good shorthand writer, yet I was not qualified to report legal proceedings as they were carried on in the courts. I therefore began playing "second fiddle" by doing amanuensis work for those who were qualified and were already engaged in professional court reporting. In that way I not only acquired the necessary speed for court work, but learned the forms of transcripts that were in use by reporters, and also gained considerable knowledge in regard to legal terms and phraseology, without which no one can successfully do this kind of work. After a time I went into a law office where, besides doing office shorthand work, I read law, and was subsequently admitted to the Bar.

After that I again took up shorthand law reporting as a profession, and have continued in it most of the time ever since. The foundation of my law-reporting ability was laid while I was acting as shorthand amanuensis for court reporters, and I think I am not mistaken when I repeat that most, if not all, of our court stenographers fledged their wings in the same way that I did. They began by taking dictation in shorthand from practical reporters and transcribing their notes into longhand either in manuscript or typewritten copy. And then, when they had acquired the requisite speed and knowledge of the work, they struck out for themselves.

I remember well the first case that I tackled as a reporter. A friend of mine, who, like myself, was also an amanuensis, got an order for the reporting of a case that was to be tried in a Brooklyn court, but as he did not feel competent to do the work alone, he asked me to do it for him, which I mustered up courage to do, he taking check notes with me; and when the work was completed and the transcript delivered and paid for, we divided the fee between us.

From that time down until the comparatively recent advent of the machines with wax-coated cylinders, no one attempted to do law reporting until he was graduated from the amanuensis school. Now, however, everything is changed. Nearly every reporter, instead of dictating his notes to a shorthand amanuensis in the old-fashioned way, simply goes to his office and talks to his machine, and then afterward a mere typewriter operator, listening to the reproduction of the record on the wax, makes the required typewritten manuscript. The advantage to the reporter of this method of doing the work is twofold. It is much more convenient and causes no loss of time, because the silent machine is always waiting for

him in his office, which of course, cannot be said of the living amanuensis; and, most important of all, there is no limit to the speed at which the machine can take dictation. But the information about reporting forms and legal expressions that was formerly learned by the amanuensis while doing his work is now imparted to the operator of the typewriter, but as she—it is usually a lady—is not necessarily a shorthand writer, the acquired information does not go any further. It does not make a law reporter of her as it did of the amanuensis, because shorthand is eliminated from the problem of transcription.

The result of this state of things is now being sharply felt in a very perceptible dearth of capable law stenographers, not only to fill new positions that are being created all the time, but to take the places of those who are dropping out of or retiring from the profession. If every law school in the United States were to be suddenly closed it would not be many years before there would be a lack of competent lawyers to attend to the growing legal business of the country. Shut up all our normal schools and teachers' colleges for only a short time, and there would be a scarcity of qualified teachers for the public schools. The same thing is now happening in regard to the profession of court reporting. In a little time, as things are now, it will be very difficult, if not impossible, to get competent men for court positions.

Now, there are two ways in which to view this situation. While it is somewhat discouraging to an ambitious young stenographer who would like to qualify himself for court work, to find the pathway over which all of us have walked to the goal thus abruptly closed, nevertheless to those who succeed in getting there by some other means the prize will be all the more valuable. The most lucrative branch of the reportorial profession at the present time is that of

law reporting, and it will continue to become more so from this time on. I, therefore, advise every shorthand writer whose natural and educational qualifications fit him for the work to turn his attention to this field. Although the amanuensis school is closed, yet there are other ways in which the end may be attained, and I will now give a few hints on this subject.

In the first place, no one should think of attempting to become a court stenographer unless he has a good general education. He should not only be a good speller, by which I mean able to spell all ordinary words correctly without having recourse to the dictionary, but he should have the ability to write grammatical and good English. He should have an extensive fund of general information, especially as to current events, and he should constantly aim to enlarge it. His physical strength and energy should be considerably beyond the average, as his work will oftentimes severely tax his endurance. He should be quick and active in his movements, for the profession of law reporting is no place for one of lazy disposition or sluggish temperament. His vocabulary of shorthand word outlines with which he is thoroughly familiar should be large, especially in the line of legal subjects. In practicing from dictation for speed it will, therefore, be well to work with material furnished by court reporters, such as printed cases containing testimony of witnesses and judges' charges, which may be obtained in lawyers' offices, and sometimes from clerks of appellate courts. The best material for practice, however, consists of full transcripts of stenographic reports. Every court reporter accumulates (to his sorrow) a stock of dead wood in the shape of transcripts of cases which are either left on his hands by lawyers who, after ordering them, neglect to call for them, or are cases that he has made duplicate carbon copies of

in the unrealized hope that they will be needed by some one. These unused transcripts may sometimes be obtained from stenographers by purchase for a moderate sum, or by hiring or borrowing them.

It is also recommended to the student of law reporting that he occasionally study the law dictionary for legal terms and expressions, so that when he hears them in court for the first time they will not sound unfamiliar to him; such, for example, as the following: caveat emptor, cestuy que trust, corpus delicti, duces tecum, ex parte, in esse, lex loci, mala fides, prima facie, quo warranto, res inter alios acta, ship's husband, statute of frauds, etc.

Every candidate for admission to the field of law reporting should be an expert typewriter operator. Then, it would not be a bad idea, while practicing for speed, to spend part of the time assisting court reporters by preparing their transcripts from the dictation machines. In so doing the student will learn reporting forms, the same as he would in amanuensis dictation, although his speed would have to be attained by separate practice.

When the student has acquired sufficient skill to take examinations of witnesses at a pretty good speed, then and not until then should he go into court and practice there. It will be well for him to make known to the official stenographer, and through him to the court officer, what he wishes to do, and then he will generally get a suitable place at a table to work. Should he not do this, the officer might think he was too near the jury, and ask him to step outside the railing. At first the writer will stumble and fall, and feel discouraged. A rapid witness or counsel may knock him out, and he will wish he was somewhere else. But let him jump up and go at it again, and again, and again, and finally he will catch on and feel that he is "one of us."

THE WORK OF THE COURT REPORTER

By Charles Currier Beale

(Extract from a paper read before the New England Shorthand Reporters' Association)

LET me give you an idea of what is required of a court reporter. The average rate of speaking which he must record word for word in his notebook is one hundred and fifty words per minute. To be sure, this speed is sometimes slackened to a hundred, but often increased to two hundred; and this average speed must be kept up hour after hour under any and all conditions, with any and all kinds of language. The words of the English language as used in ordinary speech will average at least five letters to a word. These five letters in the ordinary longhand will require at least twenty distinct motions of the pen. The useful art of shorthand has condensed this to an average of three movements to a word. In other words, in order to write legible shorthand at the rate of 150 words per minute the writer must skillfully execute certain characters requiring 450 distinct movements of the pen to a minute, and must keep up this enormous speed hour after hour if need be. Often a whole day's work will consist of unbroken testimony. Those unfamiliar with our duties say the pay we receive is exorbitant because we are actually working in court only five and one-half hours. True, but in those five and one-half hours very often there is no

rest for the stenographer, and if we take the trouble to perform a simple act of multiplication we find his flying fingers have recorded in that short day of apparently easy work a total of fifty thousand words, involving one hundred and fifty thousand distinct movements of the pen. The fabled labors of Hercules sink into insignificance as compared with what he has accomplished. Every day he sets down an amount of matter equal to a respectable-sized novel. The pages of the notebooks he fills in a year, if placed continuously, would stretch from the Gilded Dome to Senator Lodge's home in Nahant. If the characters were in one continuous line it would reach from the farthest point of Cape Cod to the most distant of the Berkshire Hills, and span the whole of this good old commonwealth with the mystic symbols of the silent scribe. No one human being could speak the words he must unceasingly and uncomplainingly write. A palsied tongue and a paralyzed throat would end the speaker's efforts in a few days or weeks; yet the hand of the ready writer toils on, guided by an intelligent brain, and supplemented by an ear that must hear and recognize each and every utterance, whether it be the burr of the Scotchman, the brogue of the Irishman, the lisp of the Welshman, the broad accent of the Englishman, or the nasal drawl of our own New England. The broken speech of the Russian Jew, the liquid patois of the swarthy son of sunny Italy, the guttural growl of the German, and the mincing tongue of the Frenchman, all mingle in one ever-changing lingual pot-pourri, that puzzles alike the Judge, the lawyers, and the listeners, but which the stenographer must get whether or not. The loquacious native of the Emerald Isle is checked in his torrent of words by the remark from the Judge, "The witness talks so fast the Court cannot understand him; will the stenographer please read the

answer?" or, the sunburned daughter of the Mediterranean, who amply makes up in rapidity of utterance for her imperfect knowledge of our vernacular, fails to make herself understood by counsel, who turn nonchalantly to the silent worker, and say, "Mr. Reporter, will you kindly read what the witness said?"

But enough of this side of the picture; there is another view I wish to present to you; another Herculean labor, skillfully performed and scantily recompensed, which awaits the silent man at the end of his day's work in court—the transcription of his notes. Fortunately, not all that goes down in those never-ending notebooks has to be rewritten for the eye of the judge or the lawyers. There is an end to the endurance of even stenographers, and I fear that no human being with human nerves and human need for sleep and rest could cope with that task. But a fairly generous portion has to be transcribed on the writing-machine; and again the tired fingers must fly in swift staccato until the work is accomplished. Most of this work must of necessity be done at night, by the flickering flame of the gas jet or the incandescent brilliance of the electric light. Far into the night must the click of the typewriter keys and the drone of the dictator extend. The judge and the lawyers, the witnesses and the spectators, can go to their homes and enjoy the quiet of their firesides or that recreation of mind which is equally beneficial to the body; but the stenographer must work though nerves throb and pulses flag, though tired eyes will close rebelliously, and the faithful hands almost refuse to do the bidding of the exhausted brain. And yet good lawyers have been known to say that our prices are exorbitant. But it is the price of blood! It is the giving of one's vitality, both of mind and body, of a mind and a body trained and educated to a point beyond which danger

lies. And what a training and what an education! The whole range of the sciences is comprised in the knowledge that a good court stenographer must acquire. To-day comes the skilled physician with his expert testimony and his learned disquisitions upon hystero-neurasthenia and cerebro-spinal-meningitis, ransacking the dead past of Rome and Greece for terms to fit modern ailments and fin-de-siècle surgery. To-morrow the electrician, with his talk of mysterious elements and forces, his microfarads and his electrostatics. Again the mechanical expert, glibly describing the complicated construction and workings of appliances and instruments whose very names are familiar only to the initiated. Add to a knowledge of these various subjects sufficient at least to recognize their nomenclature, a fair knowledge of the classics, a familiarity with the most important modern languages, a fair amount of legal learning, a reading wide enough to recognize a quotation and assign it to its source, whether it be Shakespeare, Browning, the Bible, or the Zend-Avesta, a perfect knowledge of geography, a modicum of history, a fluency with figures and an absolute command of the intricacies of English speech—spelling, punctuation, and grammar—and you have the foundation of a stenographic career, on which ten or twenty years' active practice of your profession will perhaps enable you to build the superstructure of success.

METHODS OF FURNISHING DAILY COPY

By Frank H. Burt

(Extract from a paper read before the New England Shorthand Reporters' Association)

THE advantages of daily copy on a large case are too apparent to need mention. From the stenographer's standpoint, aside from the profits which he may earn, there is a great satisfaction in seeing his notes cleaned up every day and in knowing that he will never be called on at an inopportune time for a transcript of that day's work. Then, too, there is nothing more vexing than to take all alone a long case, merely getting out from day to day such extracts as are wanted; for three times out of four each side will want something entirely different from the other, and each party usually demands more than you can do. Then again, if it is not written out immediately, you will get a polite call, perhaps, two years later in the middle of a busy term, for a report of a two weeks' case to be delivered in three days, and the transcribing thereof becomes weariness and vexation of spirit to yourself, while the unavoidable delay is liable to cause great inconvenience to the party giving the order.

To my mind the ideal system of daily copy is that in which a single stenographer takes the entire proceedings, while his assistants, who can read his notes, transcribe them immediately, so that at night he has nothing to do but correct their copy. It is needless to say that this

method demands ideal stenographers and ideal assistants, and people of that type do not exist in Boston. The nearest approach I have ever heard to such a system is in the reporting of the proceedings before committees of the British Parliament, which is done entirely by members of the Gurney family, descendants of the originator of the Gurney system. The family has controlled this branch of shorthand work for more than a century, and I am told that the copy goes direct from the amanuensis to the printer, so that the reporter merely has to read the proof. A like method prevailed in the United States Senate during the lifetime of the late Dennis Murphy.

Here and there in the United States we find a few fortunate stenographers whose notes can be read by their assistants, but, as we all know, this condition of things is exceptional.

Next to the above method, the system used in the National House of Representatives is the best I know of. Five stenographers, relieving one another at short intervals, their takes averaging 1,100 words, report the debates and dictate the notes immediately to graphophones, and the full day's proceedings are ready for the printer within half an hour after adjournment.

My first daily copy case was in the fall of 1887, and was handled under a good deal of difficulty. It was a group of water cases against the town of Weymouth, tried at Dedham, ten miles from Boston. With two other stenographers, each of us taking one long take varying from one and one-half to two hours, and then returning to Boston to dictate, the copy was ready every morning for three weeks at the opening of court. But it was an awful strain for the last man, who not only had to dictate until about midnight, but was obliged to be on hand with the others at 8 a. m., to page and index and bind the copy.

We never thought at that time of buying paper ready punched, or even of providing uniform paper for the case; so each man used whatever paper came handy, and it was a grand scramble in the morning to punch two or three hundred pages with some frightfully dull punches. How we came to be so stupid has been a marvel to me ever since.

It was the spring of 1890 that the idea occurred to me of adapting the system used in the House of Representatives at Washington to the furnishing of speedy transcripts. I had been engaged by a press syndicate to furnish reports of certain bribery investigations which were going on at the State House, and the frequent delivery of copy in instalments to catch the afternoon editions was imperative. Getting permission to put our machines in a committee room, I secured two stenographers and three typewriter operators, and by taking short takes we were enabled to keep up very nearly with the proceedings through the session. The success of the plan was evident at once. The relief from the mental strain of a long time spent in dictation after a long take was very marked, and the satisfaction of the parties for whom the work was done was complete.

Having thus looked over the history of the introduction of this method of furnishing daily copy, a brief outline of the detail of the system in actual operation may be useful. At the opening of each day's session the stenographer in charge gives directions to his assistants as to the order in which they are to begin their work. The first stenographer takes enough notes to fill as nearly as possible two pages of copy. The second reporter sits beside him, and at a signal given by a nod begins writing at the instant that the first man stops. The third reporter follows in like manner after a space of about five minutes, when he

is relieved. The fourth reporter continues his take until No. 1 has dictated and compared his notes and has returned to relieve him. So the work goes on, the stenographers succeeding each other in regular rotation. Unless the testimony goes in with great rapidity it is usually practicable to complete the transcript of a take and be ready to return to the court in one's regular turn in such time that no take will exceed ten minutes. Of course, great care must be taken in changing places, and no one should stop taking notes until he sees that the man who follows him is beginning to write. While a ruling on the admission of testimony is pending, the stenographer who took the question under discussion should not leave the courtroom until the ruling is made, so that he may be on hand to read the question if called upon; unless the discussion is manifestly going to be a prolonged one, when he may write the question in longhand and leave it for his successor to read.

It is necessary to have cool-headed stenographers and typewriter operators, who can work in the midst of a noise like that of a sawmill; for it is usually practicable to secure only one room in the courthouse, and, indeed, it is much more convenient to have all the corps near together. The assistant who is employed to attend to the clerical part of the work should be a person of executive ability, strictly accurate at figures, and capable of attending to innumerable details without getting "rattled." Preferably she should be a typewriter operator, so that she may assist in making corrections or any other work that an emergency may demand. At the beginning of each day she prepares in a book which she keeps for the purpose a blank form in which the details of the day's work are to be entered. In the first column she enters the letters of the alphabet, by which the various takes are to be in-

dicated. The next column is kept for the reporters, the third for the hour and minute at which they go to the courtroom to begin their several takes, and the fourth column for the number of words in the take. Each man (or woman) should register his name in the book as he starts to take his place in the courtroom, and should then enter in his own notebook the letter designating that place. If this is neglected there is liable to be delay and confusion in finding out whether Jones' take follows Smith's, or whether Smith relieved Brown. The assistant must enter the time of the beginning of each take and keep a careful eye on the clock, and if the stenographer on duty is going to be left in court more than ten minutes she must order the next man to relieve him promptly, even though his own take may not be fully dictated.

As soon as a take is written out it should be immediately compared with the notes, and while the stenographer who took it is in court his typewriter should make the correction and count the words. Of course, in long takes the number of words can be estimated with substantial accuracy. Delay in correcting a single take may set back the putting together of the copy an hour or more. When corrected the copy is turned over to the assistant and the number of words entered in her book, and as early in the day as possible the assistant should begin assorting and paging the copy. The shape in which it comes to her will be about like this: Brown having the first take, turns in pages 1A and 2A. Smith, who follows him, has pages 1B, 2B and 3B, which will be repaged 3, 4 and 5. Then comes Jones, with 1C, 2C and 3C, which become 6, 7 and 8, and Williams, the fourth man, 1D, 2D, 3D and 4D, renumbered 9, 10, 11 and 12. Brown goes in again for the E take, his pages being all marked E; and for this take he very likely gets 5 pages, which will be numbered from 13

to 17 inclusive. Then Smith takes his turn with 1F to 5F inclusive, or 18 to 22. So the work proceeds through the day. Of course, great care is necessary on the part of the assistant to avoid mixing takes. The typewriter should page her copy in the upper left-hand corner, adding the stenographer's initials, which is of great assistance in avoiding mistakes in the proper order of takes and in identifying the copy afterwards.

The covers should be prepared the first thing in the morning. Sometimes the covers are printed, or a rubber stamp may be made with the title of the case. Rubber type would be convenient for this purpose. Rubber stamps to mark the copies "The Court," "Government" and "Defense" before they are delivered are useful, and a rubber dating stamp is also convenient. Attorneys usually like to have the date, together with the day of the week, conspicuously marked at the top of the cover, and the number of the volume in large figures at the upper left-hand corner. Attention to these details will save a great amount of time and confusion in the course of a long trial, when the record is spread over many volumes. We usually page the copy in pencil; a numbering machine makes a neater page, but takes more time. The paging is usually carried on consecutively through the case, so that if the entire report is to be permanently bound, repaging will not be needed.

The marking of exhibits is important and troublesome. A list should be made as fast as they are put in and should be left lying on the stenographer's table, so that each man may always know what the next number is. (To show how far we come from reaching the ideal, I may as well confess that I have never been able to accomplish this without some confusion in any long case, for it is one of the hardest things to remember in the whole system.) A

rubber numbering stamp for marking the exhibits, with the number either changing automatically or changed by turning a wheel, is of great assistance.

Following these rules, copy can be ready for delivery, if required, at the opening of the afternoon session. But, for the sake of your digestion and peace of mind, don't undertake to do it unless insisted upon. It is much better for the stenographers to go to lunch promptly at 1 p. m. and deliver the entire day's proceedings in one volume at night. There is no trouble ordinarily in turning in the whole report, perhaps 200 pages, in an hour to an hour and a half after adjournment. A day's work in a capital trial in this state often amounts to 53,000 words. The hours are ordinarily from 9 a. m. to 1 p. m. and from 2:15 to 5 p. m., with a short recess in the middle of each session. From the length of the session it will be seen that it would not be practicable to do as is often done in New York, where one man takes the whole report and dictates to shorthand amanuenses afterwards. Somehow or other, it is not practicable in Massachusetts to get perfectly reliable shorthand amanuenses for the transcribing of court notes. As soon as they become sufficiently expert they are usually able to get all the court reporting they want to do themselves.

REPORTING THE NATIONAL CONVENTIONS

By G. Russell Leonard

(Reprinted from the Phonographic Magazine)

I WAS engaged last January by the Associated Press to organize a corps of stenographers to furnish a verbatim report of both the Republican and Democratic national conventions, the report to be delivered within five minutes after the close of each session. Accordingly I secured the services of four shorthand writers and four typewriter operators, all of them Chicago men.

Inasmuch as the two conventions were handled exactly alike so far as the stenographic reporting was concerned, and the Republican convention was so short and so orderly that there was nothing remarkable about it, I shall refer only to the work we did at the Democratic convention.

The Democratic National Committee assigned the Associated Press two tables within a space inclosed by railings on the floor of the hall immediately in front of the platform, and entirely separate from the other newspaper men. The stenographers had two seats at one of these tables. A private stairway and passage led directly from this space under the platform to the rear of the building, where there was a large, well-lighted room for the use of the stenographers, telegraph operators, etc.

Democratic

NATIONAL CONVENTION, 1904

STENOGRAPHIC REPORT FOR THE ASSOCIATED PRESS

Date July 7 Session I

TAKE	REPORTER	OPERATOR	TAKE	REPORTER	OPERATOR
A	Brady	Cloud	N	Brady	Cloud
B	Satterlee	Erdoss	O	Betts	Carney
C	Ferguson	Roberts	P	Satterlee	Roberts
D	Betts	Cloud	Q	Brady	Cloud
E	Brady	Carney	R	Ferguson	Cloud
F	Satterlee	Roberts	S		
G	Ferguson	Erdoss	T		
H	Betts	Cloud	U		
I	Brady	Carney	V		
J	Satterlee	Roberts	W		
K	Betts	Cloud	X		
L	Ferguson	Roberts	Y		
M	Satterlee	Erdoss	Z		

REDUCED FACSIMILE OF ASSIGNMENT-SHEET USED BY THE ASSOCIATED PRESS REPORTERS AT THE NATIONAL DEMOCRATIC CONVENTION.

We endeavored to let each reporter take as nearly as possible two minutes at a time. Personally, I did no reporting except in cases of emergency. On completing his two minutes' take the reporter was relieved by the man sitting next to him and went immediately to the writing-room which I have described, and, before beginning to dictate, wrote, opposite a letter of the alphabet on a large sheet of paper, his name and the name of the typewriter operator. Supposing that he were the third reporter to take on the session, he would write his name opposite the letter C, and the operator would number his pages "C1," "C2," etc., putting at the bottom of the pages "C2 fols," or "D1 fols," as the case might be.

The typewriting was done on Remington machines, without ribbons, wax stencils being used, and these were collected from the different operators by boys and run off on a machine capable of printing 150 copies a minute. Only about twenty-five copies were used, and these were hung on hooks, and were called for by the various newspapers entitled to the use of them, or taken by boys to the editor who was making up the report for the wire.

By these means we were able quite easily to finish a verbatim report of every session within the five minutes allowed us. When the chairman's gavel announcing the adjournment of a session fell, the last reporter was halfway down the stairs on his way to the writing-room with only some two hundred words on his book to dictate, as very often practically all that had been done during his take was the making of the motion to adjourn.

This is practically the same way in which national conventions have been reported for the Associated Press in previous years, with the exception of the system of lettering the takes, which was my own idea, and which worked perfectly. In previous years the head stenographer as-

signed each reporter the letters of his different takes in advance, and the result was that very soon confusion arose out of the fact that for various reasons the stenographers did not continue to follow each other in the order in which they started to take. Another change which I made was the reducing of the takes from five to two minutes. To one unacquainted with the vital importance of time in newspaper work, this may seem an absurdly short take, but there were several times during the convention when it proved to be most valuable. Of course it was not always practicable to keep the takes down to two minutes; in a great many instances a man had to take five minutes, but we avoided this as far as possible. Such was the case, for instance, when the convention was in an exceedingly excitable condition on the announcement of the receipt of the Parker telegram. Owing to the congested condition of the aisles and the immense size of the hall, it was necessary for more than an hour to keep one shorthand reporter doing nothing, stationed far down the aisle, so as to be ready to note anything that might occur, which it would have been absolutely impossible for the reporter to take had he remained at his place near the speaker's platform.

One of the advantages of keeping this record of the takes was that in case the editor discovered errors it was at once known who made them, and a correction bulletin could be put on the wire in a very few minutes.

The most arduous session—although they were all very trying—was one which was called to order at five minutes after eight on Friday, July 8. The convention remained in continuous session until ten minutes of six in the morning, during most of which time the greatest excitement prevailed. In some cases it was actually necessary for the reporters to jump over the railings in

order to get near enough to the speaker to hear what he said.

I want to mention in this connection that the work which was done by the official reporter for the convention, my friend Milton W. Blumenberg, of the Senate corps at Washington, was, to my mind, remarkable. Without any relief at all, he reported the entire preceedings of the convention, lasting from Wednesday noon until 1:30 a. m. Sunday, and at this particular session was on his feet for practically ten hours. It was not possible to sit down and write; the stenographers had to lean against the platform and write there, because they could not hear the speakers from the seats which had been provided for them.

INDEXING NOTES

To facilitate references, the note-books should be indexed. Mr. Charles C. Beale used a four-page folder, printed in red ink, as given below. This Index is fastened inside the front cover of the note-book.

INDEX.

DATE _____ BEFORE _____

ACTION OF _____

VS. _____

PLAINTIFF'S COUNSEL, _____

DEFENDANT'S COUNSEL, _____

VERDICT, _____

WITNESS	Direct	Cross	Re-Direct	Re-Cross	Pl. Ex.	Def. Ex.	Charge

LAW FORMS

IT IS hardly necessary to say that an acquaintance with law forms is essential in law reporting. While this is true of law forms in general, it is especially so in the matter of getting out the transcripts of proceedings in correct form.

There is a general resemblance in the forms used for different law papers in the various states and courts, but the reporter should make himself thoroughly familiar with those forms that are peculiar to the state or city where he intends to practice.

If properly approached, most lawyers will gladly assist an ambitious young writer by allowing him to inspect or copy the forms which they use. In most public libraries there are bound volumes of the printed reports of the proceedings in important law suits.

We have known many reporters to enter upon their professional work without having ever been inside a reporter's office, but as indicated by some of the articles in this book, most reporters have obtained their first knowledge of law forms, and their skill in preparing transcripts, by working as typewriter operators in the offices of busy reporters. Where it is possible to secure such a position, this is undoubtedly the best plan to follow. The publishers of this book will gladly offer further suggestions to any one who finds it difficult to secure information about the various law papers.

Table of Rates Paid Court Reporters for Attendance and Transcripts in the States of the Union—See Note

States	Yearly Salary	Per Diem	Transcripts Per Folio
Alabama	$ 750		
Arizona	1500		15c
Arkansas	800 to 1200		5c
California	2400 to 3000	$10.00	20c
Colorado	2700	10.00	20c
Connecticut		10.00	10c
Delaware	*2000		10c
Dist. of Col.	No general law		15c to 25c
Florida		5.00 to 6.00	12½c
Georgia	125 to 150 per mo	15.00	10c
Hawaii	2400 to 3600		
Idaho	1000		10c to 15c
Illinois		5.00	15c
Indiana		5.00	10c
Iowa	1600	8.00	8c
Kansas		6.00	10c
Kentucky	1200 to 2500	5.00	10c to 15c
Louisiana			15c
Maine	1300 to 1500		10c
Maryland	*2500	8.00	10c
Massachusetts	2500	9.00	10c
Michigan	1000 to 3000		8c
Minnesota	800 to 2500	10.00	8c to 10c
Mississippi	40 per week		10c
Missouri	1800	10.00	10c to 15c
Montana	1800		5c to 7½c
Nebraska	1500		10c
Nevada		8.00	15c
New Hampshire		5.00 to 10.00	10c
New Jersey		10.00	10c
New Mexico		7.00	15c
New York	1000 to 3000	10.00	10c to 15c
No. Carolina		fixed by judge	5c
No. Dakota		fixed by judge	10c to 15c
Ohio	1800 to 2400		8c
Oklahoma		5.00	6c
Oregon		10.00	15c
Pennsylvania		10.00	15c
Rhode Island		10.00	10c
So. Carolina	1500		5c to 10c
So. Dakota		10.00	10c
Tennessee	No general law		
Texas		5.00	10c to 15c
Utah		8.00	8c to 10c
Vermont			5c to 10c
Virginia	No general law		
Washington	No general law		
W. Virginia		fixed by judge	20c
Wisconsin	*2000	10.00	10c
Wyoming	1000		**15c

Note.—The laws in some States provide for salaries in some places or counties and per diem fees in others. The same is also true as to transcript fees. This accounts for the varying rates paid in the same States.

*Maximum salary.

**Transcript fee paid to State of Wyoming.

HELPFUL BOOKS

The following books should be in the possession of every stenographer who aspires to be a court reporter:

"PRACTICAL COURT REPORTING," by H. W. Thorne. 230 pages, cloth. This is a very helpful book on court reporting, although it does not contain any shorthand forms. A copy of the book can be obtained from the Gregg Publishing Company, New York or Chicago; price, $1.00, sent postpaid on receipt of $1.10.

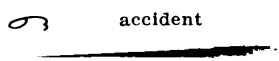
"LAW LANGUAGE," compiled by L. N. Dembitz. 208 pages, cloth. This book fully explains the meaning of law terms, and as it is written in connected form, is an excellent manual for practice. A copy of the book can be obtained from the Gregg Publishing Company, New York or Chicago; price $1.00, sent postpaid on receipt of $1.10.

"COURT REPORTING." A manual of legal dictation and forms, compiled by A. M. Robinson. 290 pages, cloth. A copy may be obtained from the Gregg Publishing Company, New York or Chicago; price, $1.00; sent postpaid on receipt of $1.10.

"PRACTICAL POINTERS FOR SHORTHAND STUDENTS," by Frank Rutherford. 131 pages, cloth. There are numerous suggestions in this book about reporting and methods of gaining skill in shorthand writing. A copy can be obtained from the Gregg Publishing Company, New York or Chicago; price fifty cents, postpaid.

PART TWO

Special Word Forms


accident

devote

ERRATA

After the GREGG REPORTER was printed, and while being bound, some slight inaccuracies were discovered, due in part to the fact that shorthand plates are liable to damage while on the printing press. Corrections, therefore, should be noted as follows:

tairs)

Page 83, second column, fourth outline (counting from the bottom): in the type, for "if from all the evidence" read "if from the evidence."

Page 60, second column, sixth outline (counting from the top): first stroke should be "th" instead of "t."

Page 85, first column, second outline (counting from the top): "ing" dot should appear.

THE GREGG PUBLISHING COMPANY

(See fault)

defendant

jury

demur

lawyer

deponent

legislate

designate-ation

legislation

Special Word Forms

accident

administer

assignment

capital

civil

complain

corroborate

coupon

damage

default
(see fault)

defendant

demur

deponent

designate-ation

devote

dividend

downstairs
(see upstairs)

establish

evidence

fault

future

husband

indictment

judicial

jury

lawyer

legislate

legislation

legislative

legislator

legislature

live

meanwhile

misdemeanor

mortgage

mortgagee

mortgagor

night

occupy-ation

part

persecute
(see prosecute)

plaintiff

prejudice

preponderance

prior

prosecute
(see persecute)

reasonable

reside

resignation

separate

several
(see civil)

sidewalk

specific

specify

street car

technicality

testimony

tonight

upstairs
(see downstairs)

versus

wife

witness

WORD AND PHRASE MODIFICATIONS

IN law work and court reporting, as in commercial work, the shorthand forms for many frequently occurring words and phrases are contracted or modified. In our shorthand Manual we said, "In your daily work as stenographer or reporter you will find some terms peculiar to the business in which you are engaged so frequently occurring that special forms may be adopted for them which will be brief and yet absolutely distinctive."

As Mr. George R. Bishop well says, "Every law stenographer of large experience knows that each branch of the law—patent, criminal, probate, medico-jurisprudential, admiralty, corporation, commercial, etc.—has many words and phrases peculiarly its own; and as lawyers in the great cities drift much into specialties, so there is a tendency, in those places, for stenographers to do the same; the chances, of course, being, all other qualifications being equal, that that stenographer who has the largest experience in connection with any particular specialty will—especially if the matter be difficult—make the best report of any proceedings in that particular department of the law."

Some years ago a writer in the Phonographic Magazine expressed a similar thought in this forceful way:

"If the stenographer be improperly educated or if he lack in originality, he will be apt to confine his phrase and wordsign writing simply to those forms which he has committed to memory in the course of his instruction, entirely disregarding the opportunities which present themselves for showing his capacity for invention or the application of recognized principles to the formation of new forms and signs which necessity requires. Not one-fourth

of the commercial stenographers are equal to the occasion when this point presents itself, but will persevere through long months and years in elaborating painfully long word-forms and in disregarding very apparent opportunities for the formation of very concise phrases, by means of which a great proportion of their labor might be saved. The intelligent stenographer certainly should not permit himself to follow and become confirmed in such a habit, simply because he is unwilling to exercise his own powers of invention. Because 'the book' gives no brief outline for a word which constantly recurs in his work, is no reason why he should not use one and the very briefest which is consistent with principles. Because he does not find specific authority for the joining of certain often-repeated words in a phrase form is no argument against his adoption of such a form if it is easily legible. It will be a genuine surprise to the writer to discover how much of a labor-saver his own ingenuity may become."

Before beginning to practice the phrases and modifications of word-forms given in this chapter, we advise the reader to earnestly study and practice the advanced phrase writing given in the shorthand manual, especially the section devoted to "Modification of Word Forms." Nearly all of the phrases contained in that section are frequently used in court reporting. Some of the following forms have already been given, but we have thought it advisable in some instances to refresh the memory of the amanuensis who is aiming to become a court reporter by repeating the principles, and then making the rules or principles of abbreviation so repeated the basis of more extended application.

DEPARTMENT

Passenger Department

Freight Department

General Passenger Department

General Freight Department

War Department

Navy Department

Inquiry Department

Legal Department

Police Department

Credit Department

Mail Order Department

State Department

Post Office Department

Treasury Department

Executive Department

Purchasing Department

Shipping Department

Fire Department

Shoe Department

Furniture Department

AGENT

Passenger Agent

Freight Agent

General Passenger Agent (G.P.A.)

General Freight Agent (G.F.A.)

Assistant General Passenger Agent (A.G.P.A.)

Assistant General Freight Agent (A.G.F.A.)

Ticket Agent

General Ticket Agent

General Passenger and Ticket Agent

Claim Agent

Baggage Agent

Purchasing Agent

COMPANY

and Company

Transportation Company

Railroad Company

Telephone Company

Express Company

Electric Company

Insurance Company

Trust Company

REASONABLE

reasonable doubt

reasonable care

beyond a reasonable doubt

reasonable degree

reasonable time

reasonable degree of care

reasonable diligence

reasonable notice

reasonable satisfaction

PLAINTIFF-DEFENDANT

the plaintiff

do you know the plaintiff

the defendant

do you know the the defendant

for the plaintiff

called for the plaintiff

for the defendant

called for the defendant

counsel for the plaintiff

did you see the plaintiff

counsel for the defendant

did you see the defendant

DON'T

I don' t see

I don't believe

I don't know

I don't recollect

I don't think

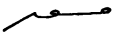
I don't remember

WHETHER

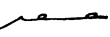
whether or not

can you tell whether or not

state whether or not


do you remember whether

can you state whether or not


do you remember whether or not

can you recollect whether or not

do you recollect whether or not

I do not recollect whether or not

do you not recollect whether or not

DO YOU KNOW

do you know

do you know the defendant

do you know whether or not

do you know what

do you know whether there

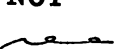
do you know what was

do you know the plaintiff

do you know which

DO YOU NOT

do you not recollect


do you not remember wheth-er or not

do you not recollect whether or not

do you not think

do you not remember

do you not recall

WASN'T—ISN'T

The shorthand form for "wasn't" is facile, and provides a distinction between "in" and "not"—although such distinction is rarely necessary.

he wasn't

he wasn't there

wasn't he there

wasn't the plaintiff

it wasn't

it wasn't there

there wasn't

there wasn't any

wasn't the defendant

it isn't

it isn't there

there isn't

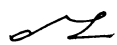
WHERE

where it is

where it was

where did you see

where did you see him

 where did you leave him

about where it was

where it would

where it lay

PART—PARTY

party of the first part

party of the second part

party of the third part

said party of the first part

said party of the second part

said party of the third part

for my own part

on my part

on my own part

Republican party

Democratic party

Socialist party

HAD

I had

they had

we had

you had

he had

if they had

I had been

they had been

he had been

we had been

if you had

if I had

FACT

is it a fact

is it not a fact

isn't it a fact

I call your attention to the fact

you are aware of the fact

were you aware of the fact

well-known fact

in point of fact

as a matter of fact

in view of the fact

in view of the fact that

in consideration of the fact

did you for a fact

yes sir, I did for a fact

WAY OR AWAY

did you remain away

how far away

run away

did he get away

in what way

that is the way

which is the way

right of way

HOUSE

the house

this house

warehouse

which house

in which house

when the house

in the house

in his house

at his house

our house

at our house

from the house

AVENUE

Michigan Avenue

Central Avenue

Wabash Avenue

Washington Avenue

KNOWLEDGE

to the best of (my, your) knowledge

have you any knowledge

from your own knowledge

of your own knowledge

not to my knowledge

not to my own knowledge

SECRETARY

Secretary of State

Secretary of the Treasury

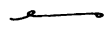
Secretary of War

Secretary of Agriculture

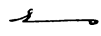
Secretary of the Interior

THERE WERE

there were

 there were many

there were not

 there were so many

WHEN DID YOU

 when did you go

when did you see

when did you give

when did you see him

when did you write

when did you tell

SAID

said day

at the said time

said date

the said party of the first part

said deed

the said party of the second part

the said land

said copy

THAN

greater than

better than

longer than

 nearer than

shorter than

quicker than

larger than

lower than

HOLDER

stockholder

shareholder

bondholder

policy holder

OTHER

somehow or other

somewhere or other

some way or other

one way or the other

 something or other

 one side or other

SO

and if so

to do so

day or so

 did you say so

IN-LAW

father-in-law

brother-in-law

 mother-in-law

 sister-in-law

daughter-in-law

ABBREVIATIONS

A. M.

 C. O. D.

 P. M.

f. o. b.

 A. D.

FIGURES, ETC.

MANY young reporters do not realize the importance of a rapid and **accurate** method of representing figures. Some reporters use a system of "shorthand numerals," but as the slightest variation in the size or shape of a shorthand character might have disastrous results, it is well to be cautious about adopting such expedients. As Mr. Thorne says, "No system of shorthand numerals has yet been devised which has given universal satisfaction. While, in some instances, law reporters have successfully utilized shorthand for this purpose, yet the Arabic figures continue prime favorites. The latter are often helpful in finding desired parts of testimony."

It should always be kept in mind that there is **no context to guide the writer in dealing with figures.** They should, therefore, be written clearly, and if possible in such a way that they may be easily found in hurriedly referring back to the notes. Some reporters adopt the plan of writing the numerals very large, while others encircle figures when they stand alone. The latter is a good plan to adopt where one or two figures only are used, as some numerals (notably "1" and "6") resemble shorthand characters.

In any event, some time should be given to practice on the numerals with a view to acquiring facility in writing them legibly. In writing the numerals all unnecessary movements should be eliminated.

The method of representing **dollars, hundred, thousand, million, pounds**—as well as all possible combinations of these words—given in the Manual has never been equaled for simplicity and definiteness. It requires but a moment to master the plan, but on account of its simplicity it does

not usually receive enough attention or practice. We advise the young reporter to drill on every possible variation of the words and figures.

Examples

	$6.00		4 lbs.or £4
	$3,000		a pound
	8,000,000		a hundred dollars
	2,000,000,000		$600.00
	a dollar		$300,000
	a million		800,000,000
	600		300 lbs. or £300
	300,000		a hundred
	$8,000,000		a hundred million

In recording mixed figures it is well to make free use of the above method of expressing **million, thousand,** etc., instead of trying to use the comma as a dividing mark. For instance, to express "two million, nine hundred thousand and forty-seven" write , just as the speaker utters the words. There will then be no danger of confusion.

SHORTHAND NUMERALS, ETC.

 1

2

 3

 4

5

6

7

8

9

10

1 or 2

2 or 3

 3 or 4

 4 or 5

5 or 6

6 or 7

7 or 8

8 or 9

9 or 10

If ordinary numerals are used, "or" may be expressed by writing the second figure below the preceding one, thus **seven or eight.**

Hundredweights is expressed by **Nw**; **cents** by **S** above figure; **per cent** by **S** below figure; **per cent per annum** by adding **N** to **per cent** sign; **o'clock** by **O** over preceding figure.

Examples

8 cwts.

seven cents

seven per cent

7 per cent per annum

nine o'clock

square yard

square foot

square inch

cubic yard

per square yard

per square foot

per square inch

Degrees may be expressed in the usual way by the small circle after the figure: 12 degrees. **Fahrenheit** may be expressed by **f**: 54 degrees Fahrenheit. **Centigrade** may be expressed by **sen**: 8 degrees centigrade.

ENCIRCLING OUTLINES, ETC.

MANY expert writers make it a practice to encircle certain outlines to express the actions of the witness, counsel or speaker. This serves to separate the words uttered by the speaker from his actions, and at the same time furnishes a landmark, as it were, in the notes which facilitates reference in reading back any portion of the report.

(illustrating)

(indicating)

(witness, or counsel, produces paper)

witness, or counsel, produces book

(handing a paper to the witness)

(witness, or counsel, refers to paper)

(witness, or counsel refers to book)

"if you find from the evidence" (a phrase commonly used in charges to the jury)

//
Repetition of words used in question or answer

(handing a paper to the Court)

(handing a paper to Mr. Jones)

(handing a paper to counsel for the defendant)

(handing a paper to counsel for the plaintiff)

objected to

question by a juror

indicating omission

cheers

applause

loud applause

applause and laughter

POINTS OF THE COMPASS, ETC.

In reporting matters relating to real estate, the following contractions will be found very useful:

North

South

East

West

 Northeast

 Southeast

 Northwest

Southwest

 Northeast quarter

Southeast quarter

Northwest quarter

Southwest quarter

Northern

Southern

Eastern

Western

Northerly

Southerly

Easterly

 Westerly

 Northeasterly

 Southeasterly

Northwesterly

Southwesterly

Northeastern

Southeastern

Northwestern

Southwestern

Northeastward

Southeastward

Northward

Southward

Eastward

Westward

Northwestward

Southwestward

North or south

East or west

Base and Meridian

Principal Meridian

SPECIAL PHRASES

TO facilitate reference to the testimony, it is desirable to use a large "**X**" for "Cross-Examination." When the "**X**" is preceded by the shorthand character for **D** it expresses "Direct Examination;" by **Re-d**, "Redirect Examination;" by **Re**, "Recross Examination."

Cross-Examination

Redirect Examination

Direct Examination

Recross Examination

The words **incompetent, immaterial, irrelevant, illegal, improper,** are constantly occurring in court work, as when counsel objects to the testimony of the witness as being "incompetent, immaterial and irrelevant." It is important that the reporter should be able to deal with these words promptly in whatever sequence they may be used. We recommend the following method of representing these words—to be used, of course, only where they occur in succession and can, therefore, be joined.

incompetent

illegal

immaterial

improper

irrelevant

Illustrations

incompetent, immaterial and irrelevant

illegal, incompetent, immaterial, improper and irrelevant

irrelevant, incompetent and immaterial

immaterial and irrelevant

illegal, incompetent, immaterial and irrelevant

irrelevant, immaterial and incompetent

Similarly, the words **heirs, executors, administrators, assigns, successors,** frequently occur in succession in law work. The following method of representing them is very facile, but like the preceding one, can be used only in phrases. The units are:

heirs

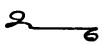
assigns

executors

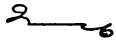
successors

administrators

Illustrations


heirs, executors, administrators and assigns

successors or assigns


heirs, executors, administrators or assigns

heirs and assigns

successors and assigns

heirs, executors or administrators

Omit **and,** but insert **or.**

List of Phrases

about how long

about the time

about what time

about what time of day

about what time of night

about where it was

above mentioned

above named

above named defendant

above named plaintiff

according to (pronoun) recollection

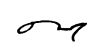
according to (pronoun) best recollection

act of God

adjourned meeting

again and again

against the defendant


against the plaintiff

all may be

and I am

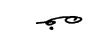
and I may

and I was

and if so

and sworn

anyone else


anything of the kind

are not

are you acquainted with

are you acquainted with him

are you acquainted with the defendant

are you familiar

are you sure

are you willing

are you willing to swear

as a matter of course

as a matter of fact

as a matter of law

as far as

as far as I am concerned

as far as (pronoun) can

as far as (pronoun) recollect

as fast as

as fast as (pronoun) can

as high as

as is

as it is

as it would be

as long as

as many as

as much as

as near as

as near as (pronoun) can

as near as (pronoun) can judge

as near as (pronoun) can remember

as near as (pronoun) can tell

as near as (pronoun) could judge

as near as (pronoun) can recollect

as quick as

as quickly as

as soon as

as soon as (pronoun) can

as the case may be

as they are

as they will

as they will be

as there

as there is

as well as

as well as (pronoun) can

at all events

at all times

at any rate

at any time

at any one time

at that time

at the same time

at the time

at what rate

at what rate of speed

at what time

because of the fact

before or after

being duly sworn

being duly sworn and examined

being first duly sworn

being first duly sworn and examined

be it remembered

between the complainant and defendant

between the parties

between them

between us

beyond a reasonable doubt

bill of particulars

bill of sale

brother-in-law

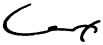
brought to my attention

burden of proof

by any means

by no means

by the learned counsel for the defendant


by the learned counsel for the plaintiff

by the time

by the witness

by the witness on the stand

by this action

by this court

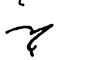
by you

call the attention of the Court

call the attention of your Honor

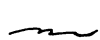
call your attention to the fact

can it be possible


can it possibly

cannot say

can you not


can you not recollect

can you not remember

can you not say

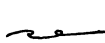
can you recollect

can you recollect whether or not

can you not recollect whether or not

can you recollect whether there was

can you recollect whether there were


can you remember

can you remember whether or not

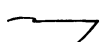
can you tell

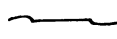
can you tell whether or not

can you state whether or not

circumstances of the case

circumstantial evidence


common jury


common law

conflicting testimony

contributory negligence

consider the weight of the testimony

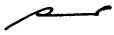
constitution of the United States

cross examination

daughter-in-law

day before yesterday

day by day


day of the month

day of the week

day or so

day or two

day or two ago

day time

defendant's counsel

describe to the jury

did he get away

did he run away

did I understand you to say

did you ever

did you ever see

did you ever see defendant

did you ever see him before

did you for a fact

did you give

did you have

did you have any

did you have any conversation

did you have any more

did you have anything

did you have anything to do

did you not

did you say

did you say so

did you not say to me

did you not state

did you remain away

did you see

did you see him

did you see the defendant

did you see the plaintiff

did you tell

did you tell him

did you tell me

did you turn

did you turn away

direct examination

direct testimony

documentary evidence

does order, adjudge and decree

doth order, adjudge and decree

do you believe

do you belong

do you ever

do you have

do you know anything

do you know defendant

do you know plaintiff

do you know whether

do you know whether or not

do you know whether there

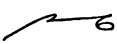
do you know whether there is

do you know whether there was

do you know whether there were

do you live

do you mean by that


do you mean to say

do you not recollect

do you not recollect whether or not

do you not recollect whether there

do you not remember

do you not remember whether or not

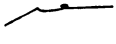
do you recollect

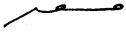
do you recollect whether

do you recollect whether or not

do you recollect whether there was

do you recollect whether there were


do you remember


do you remember whether

do you remember whether or not

do you reside

entirely immaterial

examination in chief

excepted to

execute and acknowledge

execute and deliver

extra session

father-in-law

first instance

first place

first thing

first time

for instance

for the defendant

for the plaintiff

for the purpose

for the purpose of sustaining

for the sake

for this action

for this court

for this man

from the evidence

further ordered, adjudged and decreed

gentlemen of the jury

give your name to the jury

go ahead and state

great deal

great many

Grand jury

had been

had been done

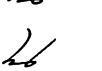
had there been

have been

have there

have you

have you any


have you any doubt

have you anything

have you been

have you not

have you seen

having been

he said to me

he says to me

he wasn't

he wasn't there

he was quite

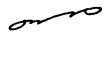
he would be

he would not be

how did you

how did you do

how did you do that


how did you make it

how do you know

how do you remember

how far

how far away

how long have

how long have you been

how long have you known

how long have you known her

how long have you known him

how long have you lived

how many years

how many years ago

how much

human being

I am not

I believe (pronoun) was

I believe there was

I call your attention

I call your attention to the fact

I cannot be

I cannot recollect

I cannot recollect whether or not

I cannot remember whether or not

I cannot say whether or not

I cannot tell whether or not

I could not say

I could not swear

I decline to say

I do not believe

I do not know

I do not know anything

I do not know whether

I do not know whether or not

I do not recollect

I do not recollect whether or not

I do not remember

I do not think (dot omitted in **think**)

I have carefully considered

I have carefully gone over

I have no recollection

I said to him

I says to him

I suppose

I think it was

I think they are able

I think they do not

I think it would be worth

I understand you to say

I understood you to say

I want to know

I want to know the facts

I want to state to the jury

I was

I was not

I was not there

I was there

I will ask you

I will call your attention

I will not

I will not be

I will not be sure

I will state to the jury

I will swear

I would not be positive

I would not swear

I would not swear positively

I would therefore

if from all the evidence

if from all the evidence

if it is

if it is said

if it please the Court

if it please your Honor

if you are satisfied

if you come to the conclusion

if you find

if your Honor please

if you know whether or not

if you should find

in addition

in addition to this testimony

in addition to the testimony

in addition to the fact

in consideration

in favor

in his favor

in his own behalf

in order to judge

in order to know

in order to learn

in order to see

in order to understand

in our opinion

in regard

in regard to the matter

in regard to such things

in respect

in respect to this

in such a manner

in such a way

in that neighborhood

instructs the jury.

instrument of writing

insurance company

in the first place

in the next place

in the morning

in this action

in this case

in this court

in this indictment

in this manner

in this suit

introduced in evidence

in what way

in years gone by

in your direct testimony

in your judgment

in your store

interlocutory decree

is as

is it a fact

is it not a fact

is it or not a fact

isn't it a fact

is there

is there any

is there anything

is there anything more

is there not

it has been

it has been done

it is denied

it is for you to say;

it is for you to say whether or not

it isn't

it isn't necessary

it isn't there

it is said

it seems that the defendant

it seems that the plaintiff

it wasn't

it wasn't necessary

it wasn't there

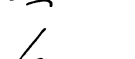
it would be

it would have been

it would not be

joint stock

joint stock company


judgment attachment and execution

just as

just as quick as

just as quickly as

just as soon as

just as well

just at that time

Justice of the Peace

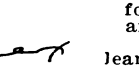
just in that

just now

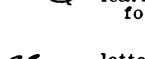
just state

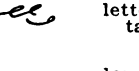
larger than

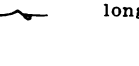
learned counsel for the defendant

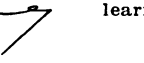

learned counsel for the plaintiff

learned counsel for the prisoner


letters testamentary

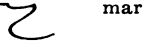

longer than


learned judge


many years ago

market price

market value


Master in Chancery

may it please the Court

may it please your Honor

measure of damages

month or two

month or two ago

mother-in-law

Municipal Court

murder in the first degree

murder in the second degree

my recollection is that

near him

next day

next day or so

next day or two

next of kin

next place

night time

no doubt

no sir

no sir, I do not

Notary Public

nothing else

nothing like

not to my knowledge

notwithstanding the fact

now and then

objected to by the counsel

objected to by the defendant

objected to by the plaintiff

objectedto by counsel for the defendant

objected to by counsel for the plaintiff

objection overruled

objection sustained

of all and every

offer in evidence

once in awhile

on my part

on my own part

on or about the

on the contrary

on the day and year

on the day and year aforesaid

on the day in question

on the other side

on the part of the defendant

on the part of the plaintiff

on that occasion

on this occasion

on that question

on this question

ought to have been

our own business

over and over again

owing to the fact

peace and good behavior

place of business

plaintiff's case

plaintiff's counsel

plaintiff's testimony

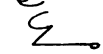
point of order

post office

Power of Attorney

prior to that time

prisoner at the bar


purchase money

question at issue

question of fact

question of law

recross examination

redirect examination

reasonable doubt

render a verdict in favor of the defendant

render a verdict in favor of the plaintiff

right of way

said and done

seal an exception

seal an exception for the defendant

seal an exception for the plaintiff

second place

self-defense

set forth

she would be

she would not be

should be

should not be

signed, sealed and delivered

sister-in-law

so far as I recollect

so many

so many times

so to speak

somehow or other

someone else

something else

something like

something or other

something to that effect

someway or other

somewhere else

somewhere or other

sooner or later

state that again

state that again please

state to the jury

state to the jury whether or not

state what you did

state whether or not

state whether there

state whether there was

state whether there were

Supreme Court

sworn and examined

tell the jury

tell the jury whether or not

tell me

tell what you did

testimony of the defendant

testimony of the plaintiff

that day

that he was

that is something

that is the

that is the way

that is to say

that it has

that it was

that the defendant

that the plaintiff

that will

that will be

then the defendant

then the plaintiff

there are

there does not

there have been

there is

there isn't

there isn't any

there may have been

there might have been

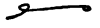
there must be

there was

there wasn't

there wasn't any

there were


there were many

there were not

there were so many

there will

there will be

there would

there would be

there would not

they are able to

there are not

they did

they do not corroborate

they have been

they have not

they have not been

they have not been able

they ought to have

they ought to have been

they ought to have seen

they were

they were not

they were there

they would have

they would have been

they would have no

this action

this case

this date

this day

this is an action

this is a case

this is a matter

this is a well-known fact

this morning

this time

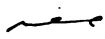
time and time again

time of day

to a certain extent

to a great extent

to a large extent


to a limited extent

to do so

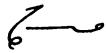
to do that

to do this

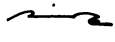
to my recollection

to the best of (pronoun) judgment

to the best of (pronoun) knowledge


to the best of (pronoun) memory

to the best of (pronoun) recollection


to whom it may concern

to-wit

trade mark

United States

United States of America

up to that time

up to the time

verdict for the defendant

verdict for the plaintiff

verdict of the jury

was he

was he not

was he there

was it not

wasn't he

wasn't he there

wasn't the defendant

wasn't the plaintiff

was said

was that

was that meeting

was the

was there

was there anybody

was there anyone

was there anything

was there anything else

was there anything more

was there not

was there nothing

ways and means

we find

we have

we regard

we regret

we want

week by week

week or so

week or ten days

week or two

week or two ago

weight of the evidence

well-known

well-known fact

were it not

were not

were there

were you aware

were you aware of the fact

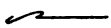
what are you

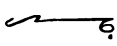
what are you going to do

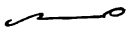
what did you do

what did you find

what do you


what do you mean


what do you mean by saying


what do you mean by that

what do you want

what is your

what is your age

what is your business

what is your full name

what is your name

what is your name and business

what is your occupation

what is your recollection

what time of day

what time of night

what time was that

what took place

what was done

what was said

what was the

what were you

what were you doing

what were you doing there

what were you going to do

what year was that

when did you

when did you advise

when did you do

when did you do so

when did you do that

when did you enclose

when did you find

when did you first

when did you first make

when did you first meet

when did you first meet him

when did you first see him

when did you give

when did you go

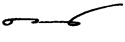
when did you inquire

when did you let

when did you let me know

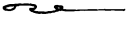
when did you make

when did you meet


when did you meet him

when did you read

when did you regard


when did you remember

when did you reply

when did you reply to the letter

when did you say

when did you say it was

when did you see

when did you see him

when did you tell

when did you tell him

when did you tell him that

when did you try

when did you work

when did you write

when was that

when were you

when you came

when you next

when you told him

when you told us

where did

where did you

where did you go

where did you leave him

where did you see

where did you see him

where do you live

where do you reside

where it is

where it was

where it would

where was

where was the

where were you

where were you going

which is the way

which of them

which one

which way did you go

which would be

which you have

why in the world

will there not be

will you please give

will you please state

will you please state whether or not

will you state

will you state to the jury

will you state whether or not

will you swear

will you swear positively

will you tell

will you tell the jury

will you tell us

would not be certain

would not be positive

would not say

would not swear

year or so

year or two

year or two ago

years of age

years old

yes or no

yes sir

yes sir, I did for a fact

you are aware

you are aware of the fact

you are sure

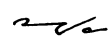
you have

you have been

you have not

you ought to be

you ought to have


you must determine whether or not

you will be governed

you will find

you will not

you will not say

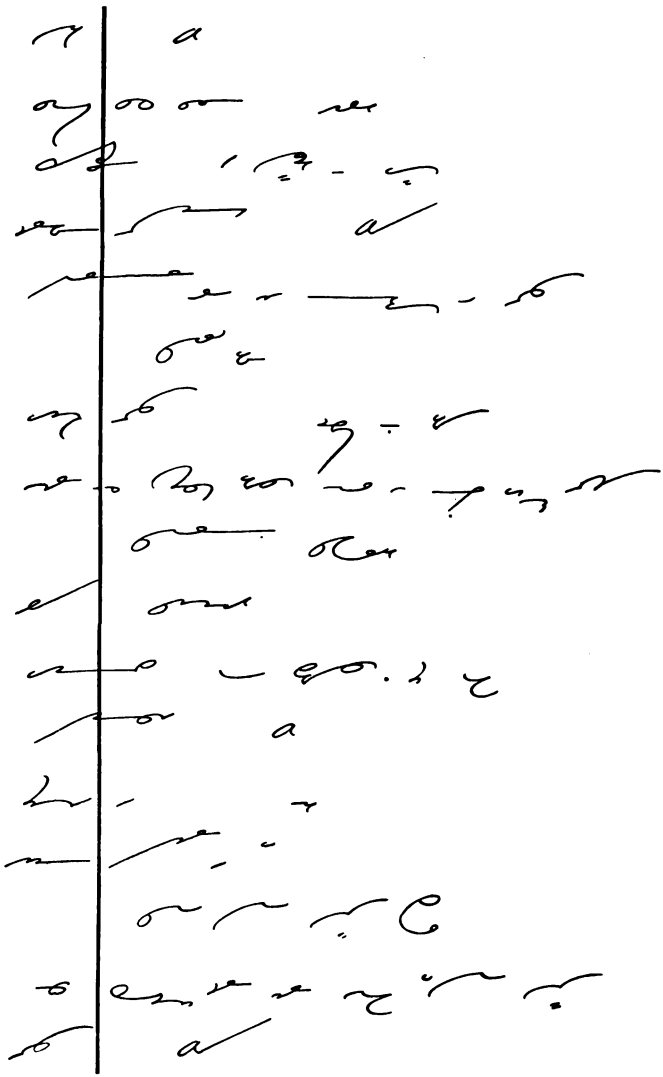
you will remember

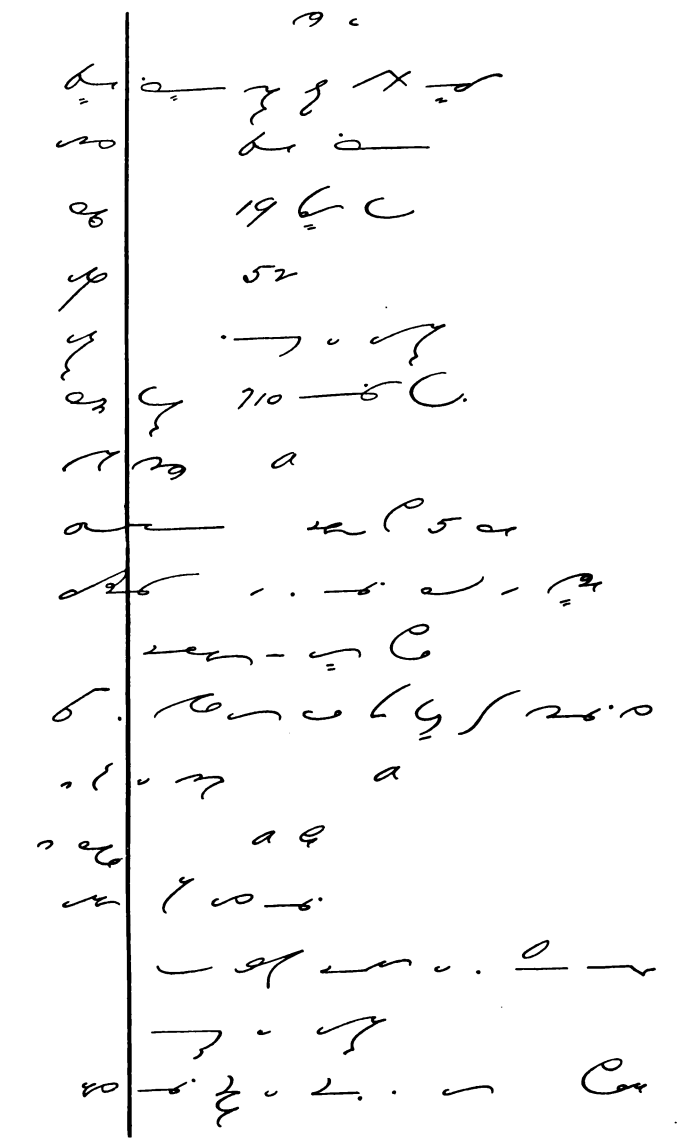
you will remember that

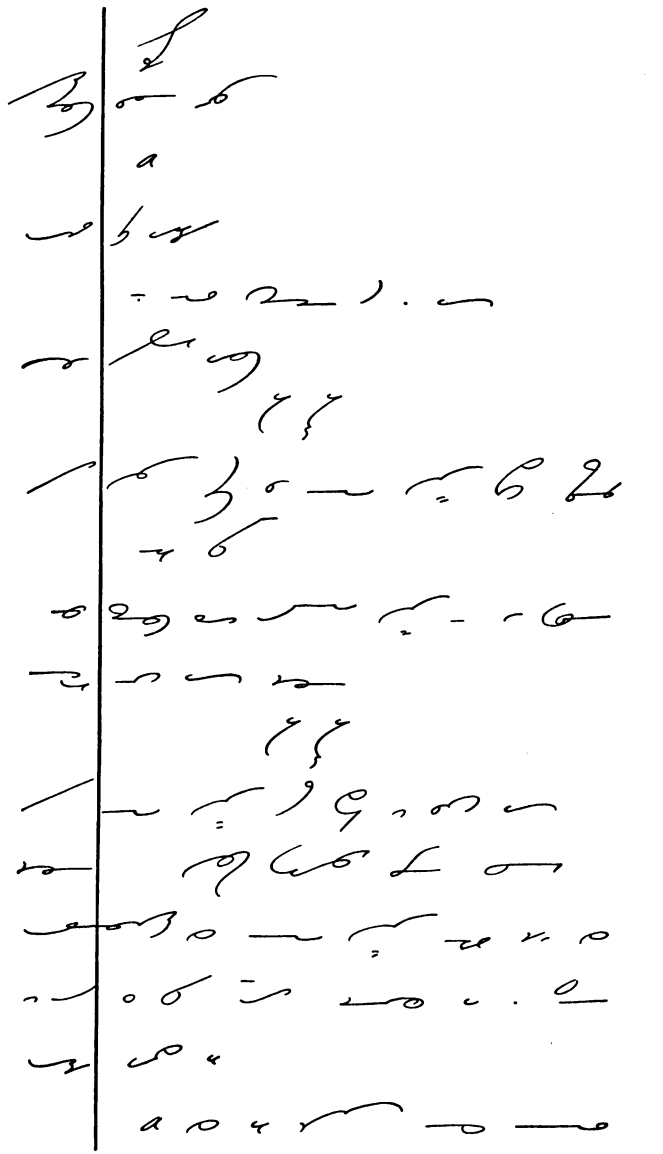
you will swear

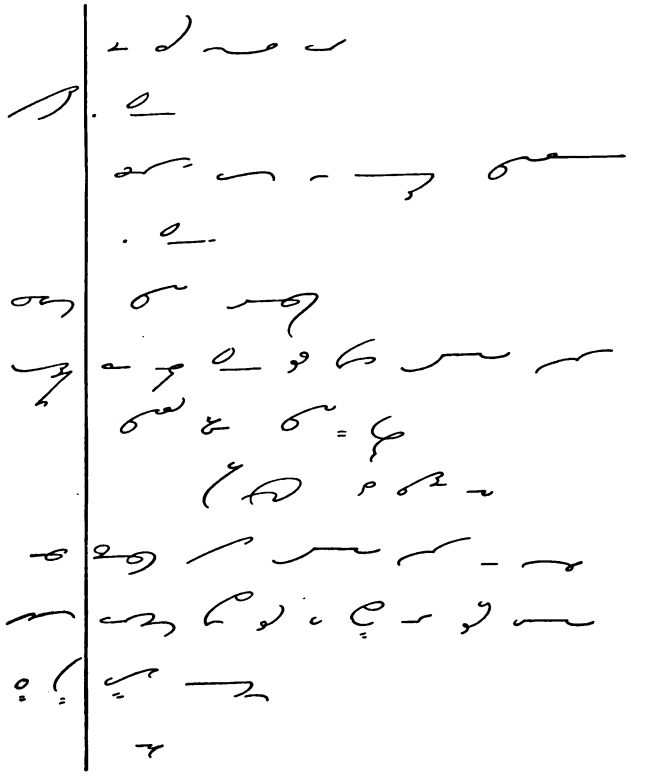
you will swear positively

Court Testimony—Exercise on Phrases

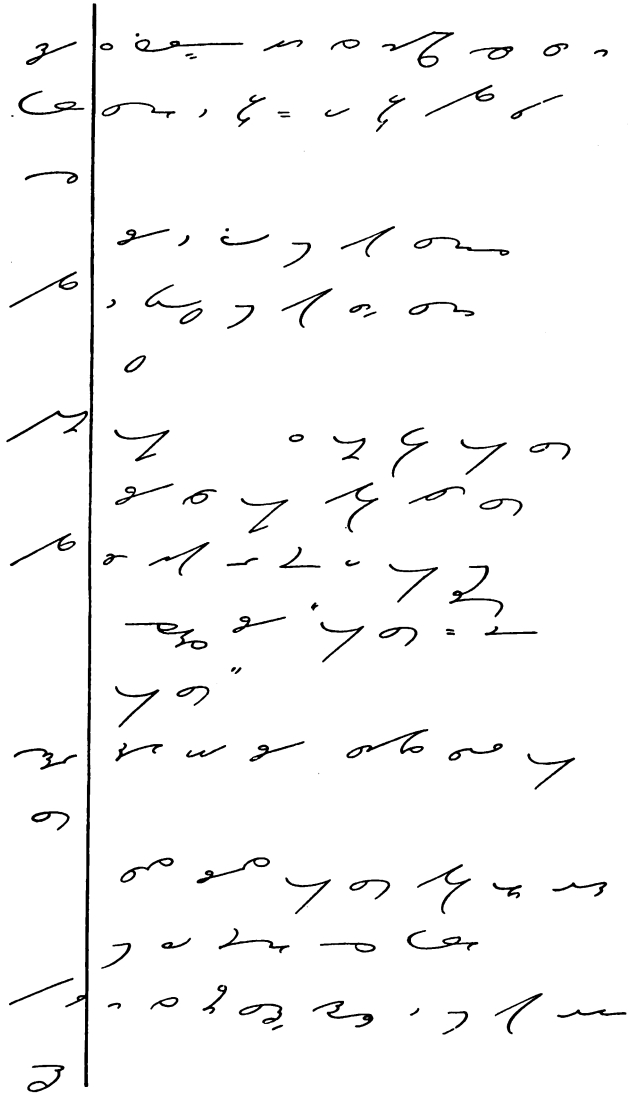


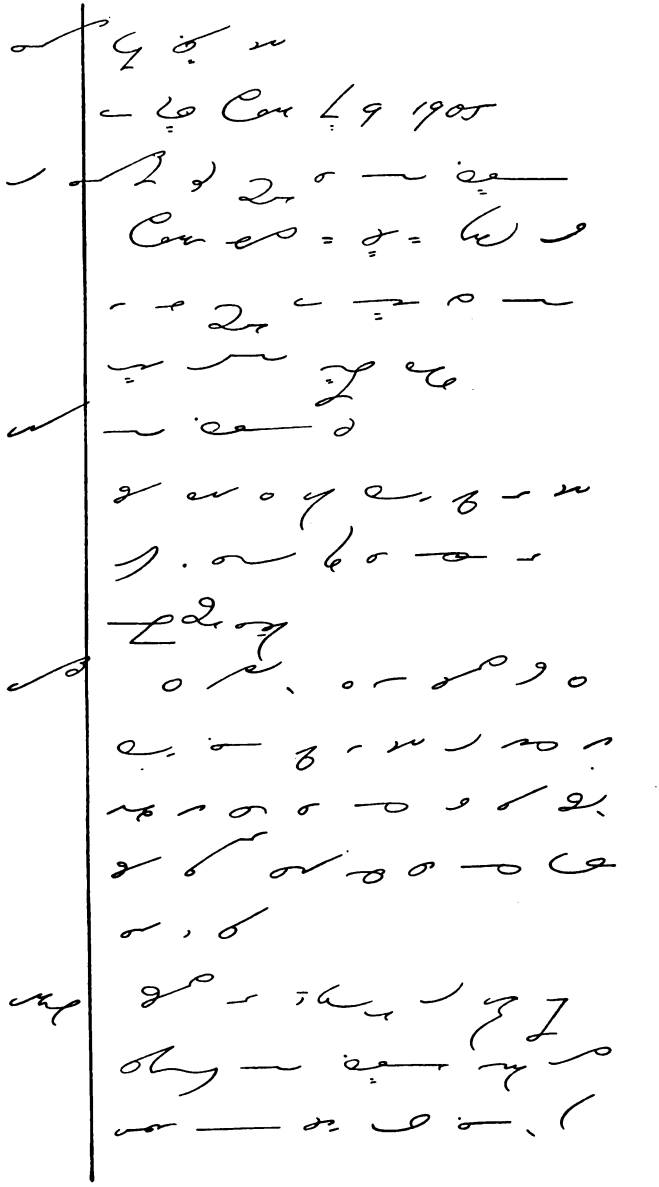


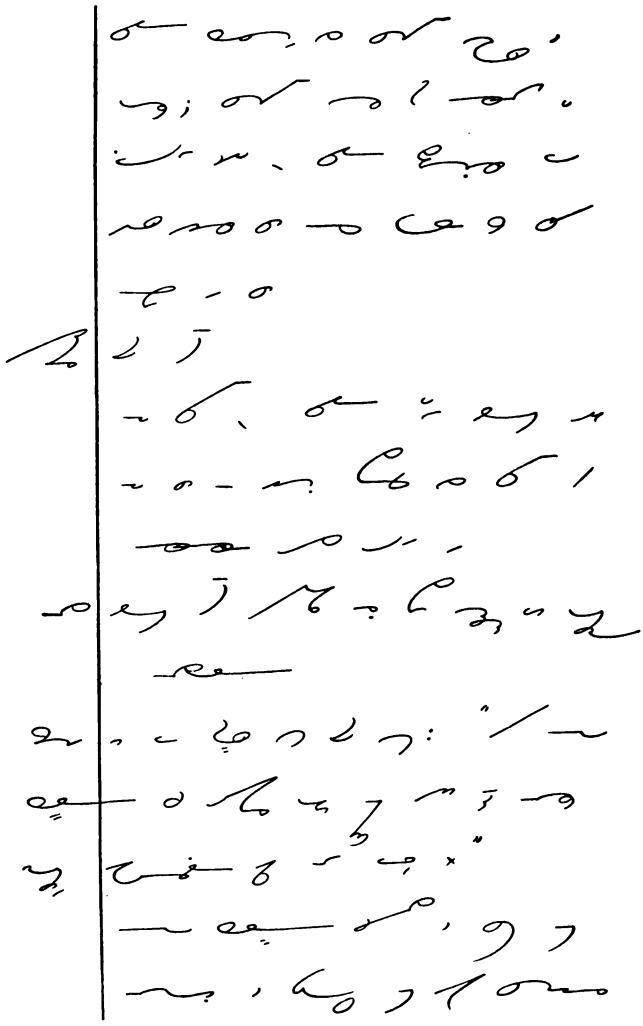




Testimony in Life Insurance Investigation







Key to Plates

Court Testimony

Q. Do you know the plaintiff? A. Yes, sir.

Q. How long have you been acquainted with him? A. Two or three years.

Q. Where did you first see him? A. At Denison's, in August.

Q. State whether or not you saw him at the time you mention. A. Yes, sir, I did.

Q. Do you remember whether or not there were other members of the organization there at that time? A. I do not know whether there was or not.

Q. What took place at that time? A. As near as I can judge, nothing was done.

Q. Can you tell whether or not any definite action was taken in regard to the merging of your companies at this time? A. I do not remember; I do not believe there was.

Q. Tell what you did. A. I took notes.

Q. What do you mean by that? A. Well, I was to make a full report.

Q. Did you make it? A. Yes, sir.

Q. Have you got it? A. No, sir.

Q. To whom did you turn it over? A. I do not recollect; to Mr. Denton, I believe.

Q. Now I will ask you to state whether or not you turned the report over to Mr. Denton at that time? A. Yes, sir, I did.

That is all.

Charles Harmon, called on the part of the plaintiff, testified as follows:

Direct examination by Mr. Martin:

Q. What is your name? A. Charles Harmon.

Q. Where do you reside? A. 19 Burton Place.

Q. What is your age? A. 52.

Q. What is your business? A. Manufacturer of automobiles.

Q. Where is your place of business? A. 710 Manhattan Building.

Q. Do you know the plaintiff in this case? A. Yes, sir.

Q. How long have you known him? A. As near as I can recollect, about five years.

Q. Where did you first meet him? A. At a meeting held at Denison's some years ago; in August, I believe.

Q. Had not a temporary organization already been perfected before this meeting that you speak of took place? A. Yes, sir.

Q. You were present? A. Yes, sir, I was.

Q. What was the object of that meeting? A. Well, there had been some talk of an agreement among the manufacturers of automobiles.

Q. Was that meeting for the purpose of forming an organization? A. I believe it was.

Q. Will you state to the jury just what was done at that time? A. As near as I can remember, it was adjourned.

Q. Who presided? A. Mr. E. S. Denton.

Q. Will you tell us who was present besides yourself and the plaintiff? A. I cannot remember.

Q. Was Mr. Ramsey there? A. I do not remember.

Q. Was Mr. Shaw there? A. I believe he was.

Q. Was Mr. Madden there? A. I do not know whether he was or not.

Q. Was he there? A. I do not know; I do not remember.

Q. Can you remember the names of other persons present? A. No, sir; I cannot.

Q. What was the sense of that meeting? A. As far as I know, nothing was accomplished.

Q. You state this meeting was adjourned? A. Yes, sir.

Q. When it was called again were you present? A. I cannot remember whether or not the adjourned meeting was ever held.

Q. When was the last time you saw Mr. Denton? A. Day before yesterday.

Q. Did you have any conversation with him at that time? A. Yes, sir.

Q. Will you tell just what was said? A. Nothing in regard to this movement for an organization.

Q. Give the details of that conversation.

Objected to. Objection sustained.

Q. Did you at any time have a conversation with Mr. Denton about this adjourned meeting? A. No, sir; I did not.

Q. Now, as a matter of fact, were you and Mr. Denton not the prime movers in this organization scheme?

Objected to. Objection sustained.

Q. Did Mr. Denton ever approach you with this organization scheme? A. It might have been brought to my attention by him. I am not sure.

Q. Let me call your attention to the fact that Mr. Denton in his testimony stated that you and he had entered into some kind of an agreement; will you state what that was? A. Yes, sir; that was some time ago; my memory is not very clear on it.

Q. Did you have an agreement? A. We intended to organize the manufacturers; I do not remember an agreement.

Q. Answer the question. A. I do not know; there might have been.

Q. Will you state to the jury whether or not any such agreement existed between you and Mr. Denton? A. I do not know whether there was or not. I do not know—perhaps.

Objected to.

The Court: He says he does not know.

Q. Now, as a matter of fact, did you and Mr. Denton not get together on this question about the first of April in the office of Mr. E. B. Oden's Manufacturing Company? A. No, sir.

Q. You said he (Harriman) told you that you would not be able to carry out your plan against his opposition—what opposition did he say he would give? A. He said his whole influence would be against me.

Q. Did he say his political influence would be used against you? A. Yes.

Q. Did he refer to the Legislature? A. He referred to probable legislative action. He said that the Legislature would probably take action.

Q. Did he say whether it would be in the form of legislative investigation? A. My recollection is that he said " legislative action—some legislative action."

Q. Can you state the substance of what he said? How did he put that with regard to legislative action? A. I think that he said that legislative action would probably result through his influence, either for or against my plans.

Q. Did he tell you that if you acceded to his request his influence would be thrown in your favor? A. That was plain.

Q. Did he tell you that if you did not divide the control with him his influence would be thrown against you? A. Yes, that his whole influence would be against me.

Q. And that there would probably be legislative action? A. Yes.

Q. Did he refer to the political influence that he would exert at the interview at which Mr. Root and Mr. Cravath were present? A. My recollection is that he did.

Q. He told you that his influence was important, and you understood that in refusing to bring about his wishes you were taking chances, and with that understanding did you refuse? A. Yes.

Q. And you told him the management of the Equitable would be entirely independent? A. Independent of him and everybody else.

Q. You are sure you told him this? A. I am sure.

Q. Why were you not willing to have Mr. Harriman name two trustees to go in with those named by you, as that would have been a majority? A. That is true, but I was determined to try to carry out the plans I have formed.

Q. When did you purchase the Hyde stock? A. On Friday—I believe it was June 9, 1905.

Q. And when did you have the first conference with Mr. Harriman? A. I believe it was the next day, Saturday; but it was not until the next conference, on Monday, that Mr. Root and Mr. Cravath were present.

Q. What did Mr. Harriman say? A. He said he thought he ought to be allowed to share in the stock and have an equal voice with mine in the management of the affairs of the Equitable.

Q. What did you say? A. I declined. He then said that if I allowed him to share the stock and to name two trustees to act with my three he would assent. He said he did not think I could carry out my plan without his aid.

Q. What was your reply? A. I said that in the interest of the policy holders and of the public in general I would be glad to have Mr. Harriman's co-operation and that of any other man situated like him. But I told him I regretted that I could not comply with his request; I could not give up my intention of holding the stock. I told him I was going to carry, or try to carry, out my plan as I had mapped it out.

Q. Did you have any further interview? A. No, I did not. I told him over the telephone there was no use of talking about the matter, that I would not change my mind, and that ended it.

Q. In that telephone interview did he repeat anything about the consequences of your refusal? A. Not that I remember.

Q. I asked you on Friday this further question: "Did Mr. Harriman say there would be any result injurious to your interests in case you refused to permit him to share in the ownership?" A. Mr. Harriman said that his active influence, including his political influence, would be against me.